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International Court of Justice

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 24 May 1946, 1000-1700, Lord Justice Lawrence presiding.

THE PRESIDENT: Is counsel for the defendant Bormann present?

DR. BERGOLD (Counsel for defendant Bormann): Yes.

THE PRESIDENT: Would it be convenient to present your documents on Tuesday at 10 o'clock?

DR. BERGOLD: Yes, I agree.

THE PRESIDENT: Would it be convenient to the Prosecution?

SIR DAVID MAXWELL FYFE: Certainly, My Lord.

THE PRESIDENT: Quite convenient, would it?

DR. BERGOID: Yes, indeed.

BALDUR VON SCHIRACH - Resumed
DIRECT EXAMINATION -- Continued

DR. SAUTER (Counsel for Defendant von Schirach): May it please the Tribunal, we came yesterday to the document TS-1948; that is, as you recall, a file note by a Dr. Fischer about a telephone conversation which he had with an official of the secret state police, Standartenfuehrer Huber, in Vienna, and who referred in that conversation about the Jewish forced labor. In that file no mention is made specifically about the use of Jews for the removal of destroyed synagogues, and through that note I should like to put one question to the defendant von Schirach.

BY DR. SAUTER:

Q When were these synagogues destroyed in Vienna? Was that during your period and under your responsibility or at a different period?

A The synagogues in Vienna were destroyed two years before I came into office in Vienna.

Q Witness, I pass on to the chapter of anti-Semiticism now, about which you have spoken yesterday, concerning the period of your youth leadership. I would be interested to know what your attitude was at the time when you joined the Party and then, at the time when you became an official in the Party, what was your attitude about the practical solution of anti-Semiticism?

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A According to my opinion, during the years 1924 and '25, the Jews should be removed from civil service entirely. Their influence in economic life should be reduced in cultural life. I imagined that the Jewish influence should be pushed back, but for artists of the rank, for instance, of Max Reinhardt, I still envisaged the possibility of free activities. That, I believe, renders quite precisely the opinion which I myself, together with my comrades, had in 1925 and in the following years concerning the solution of the Jewish problem.

Later on, when I was leading the academic movement, I put the demand for the so-called "numerus clausus." I wanted to see that Jews should be admitted to academic studies only in proportion to their number within the total population.

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I believe that one can see from the "Numerus Clausus" that, as is known to the whole generation that studied during that period, I did not belive in a total exclusion of the Jews from cultural and economic and scientific life.

Q. Witness, I have submitted a document, Number 136 in the document book Schirach, that contains statements by an official of the Reich Youth Leadership about the treatment of Jewish youth in relation to Christian youth. Do you know what the position of the Reich Youth Leadership was at that time concerning Jewish youth?

A. I believe that we are concerned with the Decree for the yeat 1936.

Q. For 1936, yes.

A. 1936. According to that, Jewish youth organizations should exist and should be under the official supervision of the Youth Leader of the German Reich, who had supervision of the entire youth, and Jewish youth should manage their own youth education in a sort of autonomy.

Q. It ways in that Decree, among other things-- and I quote only one sentence. This is document 136 of the document book Schirach:

"As regards its Youth,, Judaism at this time has that special position, isolated and free within itself, which at some future date Judaism will receive in the German state and German economy, and which already exists in good measure".

Witness, at about the same time, shortly before, the so-called Nurnberg Laws had been issued, the racial laws which we have frequently heard mentioned here. Did you participate in the drafting of these laws, and how did you judge these racial laws yourself?

A. I had no part in the drafting of these laws. In my room at the Hotel Deutscher Hof I was surprised by finding a slip of paper which bore the note that there would be a Reichstag meeting on the next day and that it would be in Nurnberg. At that meeting, in which I participated, the Nurnberg laws were issued. I do not know to this day how that came about, but I assumed that Hitler determined their contents. More I can not say about them.

Q. Can you state on your oath that before these laws were published you had not known of the plan for such laws, although you had been Reich Youth Leader and Reichsleiter?

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A. Yes.

Q. After these laws had been issued in Nurnberg, what was your personal idea of the further development of the Jewish problem?

A. I have to say first of all that we had not expected these laws. I believe that youth was as a whole at that time of the opinion that the Jewish problem had been solved, because in the year 1935 one could not speak of a Jewish influence anymore. After these laws had been published, we were of the opinion that now, definitely, the last word had been spoken about the Jewish problem.

Q. Witness, briefly, you are accused of having incited and influenced youth. Therefore, I ask you, as Reich Youth Leader, did you incite the youth to anti-Semitic excesses, or as Reich Youth Leader, and particularly at meetings of the Hitler Youth, did you make any anti-Semitic speeches?

A. I have not made any anti-Semitic speeches. I tried as Youth Leader and educator not to pour oil into the fire, and neither in my books nor in my speeches, with the exception of one speech in Vienna about which I shall speak later but which does not fall in the period during which I was Reich Youth Leader, have I made any inciting statements of an anti-Semitic nature. I will not make the absurd-sounding statement here that I was not an anti-Semite. I was an anti-Semite, but, just the same, I did not speak to the youth in that sense.

Q. The Reich Youth Leadership published an official monthly entitled "Will and Power", which was the leadership organ of National Socialist youth. Excerpts from this official publication have previously been submitted to the Tribunal in the document book. Now I would be interested in the following: Is it correct that officials of the Party repeatedly demanded of you that you should publish an anti-Semitic special issue of that publication, in order to give the youth clear marching orders for the future, and what was your position with regard to that demand?

A. It is correct that the Reich Minister for Propaganda repeatedly demanded of my editor-in-chief that such an anti-Semitic issue should be published. When the editor-in-chief reported this to me, I always refused to do it. I

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believe that the editor-in-chief has already signed an affidavit to that effect.

Q. Concerning the question of anti-Semitism, we have also to deal with your position on the publication "Der Stuermer". Did you sponsor or distribute this anti-Semitic "Der Stuermer" throughout your youth organizations?

A. "Der Stuermer" was not distributed among the Hitler Youth. I believe that, with the exception of that part of the youth which lived in this gau--

Q. Gau Franken?

A. Yes, Gau Franken -- that the remainder of the German youth did not read "Der Stuermer" at all. "Der Stuermer" was definitely rejected by the leaders -- boys and girls -- of my organization.

Q. Then, witness, I must put to you the fact that the Prosecution has accused you of having put at the disposal of "Der Stuermer" a forward on one occasion. Is that known to you, and what can you say about it?

A. I can only say the following: I was always in close collaborati n with the press. I myself came from that kind of work. In my press office as Reich Youth Leader I gave a directive that all demands of gau papers which wanted a foreward of something similar by me should be for the most part granted. Therefore, whenever a gau paper had, say, a ten or twenty year anniversary of its existence and issued a special issue, then the officials in my press office made a draft and, together with the considerable volume of mail which was presented to me every evening for signature, these drafts were also presented to me. In that manner it may have occurred that I signed that foreward for "Der Stuermer", which of course was the gau newspaper here. Otherwise I do not remember that case.

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Q You cannot remember, therefore, whether you drafted it yourself or whether one of your assistants drafted it and just presented it to you for signature?

A I believe I can be quite sure that I did not draft it myself, because short articles, such as I have mentioned, were always presented to me. I wrote my newspaper articles, theleng articles, myself, but not such forewords.

Q Witness, since we have just mentioned the name of Streicher, I want to remind you of a very ugly picture book which has been submitted here by the Prosecution. Was that picture book distributed among the youth with your consent, or what do youknow about it?

A Of course that book was not distributed among the youth. It is quite impossible that any office of the Hitler Youth should have transmitted that book to youth. The picture books of the Stuermer Publishing Firm are, in fact, not known to me. I am not competent to speak regarding school education, but as far as school education is concerned I should like to say that I do not believe that this picture book was ever introduced into a school outside of that Gau. At any rate, that book and similar writings of the Stuermer Publishing Firm were not distributed among the youth organizations as a matter of principle, and what I have already said about the Stuermer applies to these books, that the Leadership Corps of the Hitler Youth rejected such writings.

Q Witness, you have also experienced how the anti-Semitic question developed in fact, and how it came to the well-known happening, the Jewish pogroms of November 1938. Did you yourself participate in these Jewish pogroms of November 1938 in any way?

A I did not participate in any way, but I took part in the meeting in Munich.

Q Which meeting?

A That was the meeting, the rally, which as a matter of tradition was arranged every year on the 9th of November for those who had been killed on the 9th of November 1923. I did not take part in all discussions of that day, but I remember a speech which Goebbels made in connection with the killing of Herr von Rath. That speech was definitely in an inciting tone, and one could

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assume that Goebbels intended to start an action. He is alleged -- but that I found out later -- to have given further directives for this action immediately from Munich, from his hotel to the Reich Propaganda Ministry.

Together with my assistant Lauterbacher, who was my chief of staff, I took part in the Munich Rally, and both of us rejected that action. The Hitler Youth , as the largest National Socialist organization, was not at all put to use on the occasion of those Jewish pogroms of the 8th and 10th November 1938.

I remember one incident where a youth leader, without checking with my office in Berlin, took part in a demonstration, having been carried away by some public propaganda, and I called him to account.

After the 10th of November, I again stayed for a few days in Munich and visited, among others, a few destroyed offices and shops and villas. It made a strong impression on me, and because of that impression I instructed all my highest leaders to come to Berlin, and there in an address to these youth leaders, I described the incidents of the 9th and 10th November as a shame to our culture, and in that connection I also called it a criminal action. I believe that all my assistants who were present at the time will remember very clearly how excited I was, and that I told them also on that occasion that my organization now, andin the future, should never have anything to do with actions of that sort.

Q You have mentioned one individual case here, where a Hitler Youth leader who was subordinate to you took part in actions of that kind. In November 1938 and afterwards, did you receive information of other cases where units of the Hitler Youth in fact participated in pogroms against the Jews?

A No, no further cases became known to me. The only thing which I heard was that here and there individual boys or groups of boys were called out in the streets by local officers of the Hitler Youth, but in most cases the youth leaders sent them home again. A real use of the organization did not take place, and I consider it very important to emphasize that the Hitler Youth Organization had more members than the Party and all affiliated organizations together, and that they were not connected with these incidents.

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Q Witness, you saw at least from the incidents of the 9th of November and 10th of November 1938 that developments in Germany were taking a different course from that which you had expected according to your description so far. After November 1938, how did you see the further development of the Jewish problem?

A After that which had happened in 1938, I saw the only possibility for Jewry in an emigration supported by the nation, because considering the temper of Goebbels it seemed quite possible to me that again and again such actions would spring up overnight, and under these circumstances of complete legal insecurity, I could not see the possibility of life for the Jewish population in Germany. That is one of the reasons why the thought which Hitler told me in 1940 at Headquarters seemed plausible to me, the idea of a closed settlement of the Jews in the General Government in Poland. I thought that the Jews would be taken care of much better in a closed settlement there than in Germany and Austria where it depended on the whims of the Propaganda Ministry who, of course, were the mainstay of anti-Semitism in Germany.

Q Is it correct that you yourself, whenever you had an opportunity to approach Hitler, on your own initiative gave him positive suggestions to settle the Jews in a neutral country under Humane conditions?

A No, that is not correct.

Q What then?

A I should like to clarify that. I mentioned yesterday, when I told how I reported to Hitler, how he told me that the Jews from Vienna would be sent to the General Government. Before that, I had never thought of an emigration of the Jews from Austria and Germany for resettlement in the General Government. I thought only of an emigration into countries where the Jews wanted to go. But the plan of Hitler, as it existed at that period -- and I believe that at that time in his mind the thought of extermination of the Jews did not exist -- for such a resettlement, sounded reasonable to me.

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Q But I believe in 1942 you are supposed to have tried, through the services of your friend Dr. Colon Ross, to suggest to Hitler that the Jews from Hungary and from the Balkan States should be sent into a neutral country.

A That was at a later date. Ican't remember exactly at what time that was, but at any rate it was after the occupation of Hungary. Among the numerous suggestions which I made to the Fuehrer or the Foreign Minister through Colin Ross was also that one, that the entire Jewish population should be transferred to a neutral country.

If the witness Steengracht has stated here that such a thought was discussed in the Foreign Office, and that it was a thought which emanated frmm the Foreign Office, then he probably spoke in good faith, but originally that thought emanated from discussions between Colin Ross and myself, and Colin Ross put it down ih the form of a memorandum. However, -- and this is very important, -- it was reported to the Reich Foreign Minister who told Ross on the occasion of another visit, that the Fuehrer had rejected that definitely.

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Q You told also of a visit, that the Fuehrer had asked that definitely.

A That would be into a neutral country, yes.

Q The Jews from Vienna, Witness, were then displaced from there, to the largest part. In 1940 when you were Gauleiter in Vienna or thereafter, did you ever receive a mission from Hitler that you should carry out that deportation of the Jews from Vienna or that you should participate in it?

A I have not received a mission of that kind. The only mission which I received in connection with the deportation of the Jewish population from Vienna was a question from Hitler about the number of Jews living at that time in Vienna. That number which I had forgotten was recalled to me by a document which the prosecution hasput to me. According to that I reported to Hitler that at that time 60,000 Jews were living in Vienna. That figure I believe comes from the office of the police; before that period, and I believe that is the highest figure, they had at one time living in Vienna 190,000 Jews. When I came to Vienna there were still 60,000 Jews there. The deportation and transportation of the Jews was a measure carried out directly on the orders from Hitler by the R.S.H.A. or Himmler, and in Vienna there existed an office of the R.S.H.A., Reich security main office or some liaison office of Himmler and Heydrich, which took care of these measures.

Q Who was in charge of that office?

A The head of that office was -- that I found out now, I did not know his name before -- a man by the name of Brunner.

Q An SS leader of some kind, SS leader Dr. Brunner, who a few days ago was convicted and got the death penalty.

A I heard that yesterday, yes.

Q That Brunner who was SS leader, did he ever take any orders from you or any directives?

A I had no possibility to stop the deportation of Jews or to take any influence upon it. Once I talked to the chief of my -- of my food department that he should take care of the Jewish people who were leaving should get sufficient food. More frequently when I received letters from Jews who requested to be excepted of that deportation I charged my adjutant or an

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assistant to intervene with Brunner and to see that an exception should be made for these persons. I could not do any more but I have to admit here frankly that I was of the opinion that that deportation was also in the interests of Jewry, for the reasons which in connection with the instance of 1938 I have described before.

Q Did the SS, which also in Vienna was charged with the carrying out of the evacuation of Jews, did the SS send you reports continuously as to how and to what extent that evacuation of Jews took place?

A No. Therefore, I am also not in a position to state during what period that deportation of Jews was concluded and whether the entire 60,000 were brought away from Vienna or only part.

Q Did the newspapers in Vienna report about these deportations of Jews, the extent of deportations, and the perpetrations occurring thereby?

A No.

Q Witness, I have to put to you a document which hasbeen submitted by the Prosecution. That is Document 3048 P.S., 3-0-4-8 P.S., an excerpt from the Viennese edition of the Voelkischer Beobachter, about a speech which you, Witness, made on the 15th of September 1942 in Vienna, and in which the sentence is included, and I quote from the newspaper:

"Every Jew who works in Europe is a danger for European culture. If one would accuse me that from this city which at one time was the European metropolis of Jewry I have been deporting tens of thousands of Jews to the eastern Ghetto, I have to say I see in that an active contribution to European culture."

That is asfar as the quotation goes. From that speech which on the whole contains no other anti-Semitic statements from you, considering the description which you have given us so far, I feel compelled to ask you, did you make that speech, and how did you come to that speech, in spite of that principal attitude which you have described to us so far?

A First I want to say that I did make that speech. The quotation is correct. I have said that and I have to stand for it. Although the plan of the deportation of the Jews was Hitler's plan and I was not charged to carry it out, I made that statement, which I regret sincerely now, and

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out of false loyalty to the Fuehrer, I identified myself morally with that action. That I have done and I cannot undo it now. If I am to explain now how it came to it I have to say that at that period, already I was in a very difficult situation. I believe it shall become clear from my later statements that from a certain time on I had Hitler against me, the Party Chancellery against me, large numbers of the Party itself against me, and without interruption, the officials of the Party Chancellery who expressed that to Gauleiter Scharitze in Vienna, and statements made in the surroundings of Hitler indicated that they felt -- that they believed they could recognize it from my attitude and my actions that I was not expressing myself in the usual way anti-Semitically and in public. And therefore, there is no excuse but it may serve as an explanation, out of this difficult situation I have made these statements in a manner which I cannot justify before myself today.

Q Witness, in that connection I should like to ask you -- you spoke just now of a situation of compulsion and a difficult situation in which you had been in Vienna. Is it correct that Hitler himself at various occasions reproached you personally and very seriously that in Vienna your attitude had not been strong enough, that you had been too weak, too soft; that you should be more concerned about the interests of the Party and should use more severe methods? And what, Witness, have you to state to that?

THE PRESIDENT: Dr. Sauter, I assume that you realize that you are putting questions in the most leading form. You are putting questions which suggest the answer to the defendant, and such questions cannot possibly carry -- the answers to such questions cannot possibly carry the weight which answers given to questions not in their leading formwould carry.

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Q Witness, did Hitler personally reproach you, criticize you, for your attitude in Vienna, and what was your position?

DR. SAUTER: I believe that is no suggestive question, is it?

THE PRESIDENT: I think it is. I should have thought it is a leading question. He says he was in a very difficult situation. You could ask him if he would explain what was the difficulty of the situation.

BY DR. SAUTER:

Q All right, will you answer this question then, Witness?

A I could not have accepted the form of the question as you put it to me before, at any rate.

Between Hitler and myself a difference arose, at first on account of an art exhibition. That difference between Hitler and myself in 1943 was the result of a difference of opinion inasfar as cultural policies were concerned, that is, in the beginning.

In 1943 I was ordered to the Berghof, and there Hitler, in the presence of Bormann, criticized me severely on account of my cultural work. He said literally that I was leading the cultural opposition in Germany against him. In the further course of the conversation he said that I was rallying the Viennese and Austrian spiritual forces, together with the spiritual forces of the youth, and mobilizing them against him. He knew it very well. He had read some several of my speeches, first of all, the Duesseldorf speech, and he had been able to determine that I carried out in Weimar and in Vienna exhibitions of decadent art. He put before me the alternative either to stop immediately that kind of oppositional work and then everything could remain as it had been, or he would stop the allotments from the Reich to Vienna.

That speech made a very grave impression on me. It represent for me a breach of promise by Hitler to me, because when he had given me that mission for Vienna, he guaranteed me absolute freedom of action.

Then I recognized that on his part there was a cold hatred against me, and that behind those statements about cultural polit

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something else was hiding. Whether he was dissatisfied with the way I conducted my office from Vienna in all details, that I could not say. He rarely expressed himself about such things directly. I could only find out from people around him. That was the complete break between Hitler and myself.

Then a few weeks after I received that order, if I may call it that, on the Berghof, I received an invitation for myself and my wife for a longer vacation on the Berghof. Very naively I believed at that time that Hitler had the desire to bridge the gap which had opened up, and to express in some way or other that he had gone too far. However, at the end of a stay of three days I had to find out that that was a fundamental error on my part.

I should like to mention only a few points here. I had intended, and I had also carried it out, that I would mention at least three points. One was the policy toward Russia. The second one was the Jewish question, and the third was the relation of Hitler to Vienna, the position of Hitler to Vienna.

I have to state first that Bormann had sent a decree to me, and probably all other Gauleiter, stating that we were prohibited from intervening in the Jewish question. That is to say, that we could not intervene, at any rate, for a Jew or a half Jew. That is what it said in that decree. I have to mention this, because it makes it clearer.

On the first evening of my stay at the Berghof, on the occasion which seemed suitable to me, I told Hitler that I was of the opinion that a free and autonomous Ukraine would serve the Reich better than one that was ruled by Mr. Koch by violence. That was all I said, not more and not less. If one knew Hitler, it was extremely difficult to place such a remark. Thereupon Hitler answered quietly but with emphasis.

On the same evening the Jewish question was discussed, and that according to an agreement that I had with my wife. Since it was prohibited to me to mention these things in the conversation even, my wife gave to the Fuehrer the description of an experience

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she had had in Holland. She had witnessed one night the deportation of Jewish women by the Gestapo. She had seen it from her hotel room, and both of us were of the opinion that that experience on her trip and the description of it would possibly bring about in Hitler's mind a change of his opinion in the Jewish question, the treatment of the Jews.

My wife gave a very drastic report, a report which was very much according to that which we can read now in the newspapers. Hitler was silent. All others present were also silent; among others, my father-in-law, Professor Hoffmann, was there. There was an icy silence, and after a short time, Hitler only said, "These are sentimentalities." That was all.

On that evening no other conversation started. He retired sooner than usual. I had the impression that now a situation had been created which was quite untenable. Then men around Hitler told my father-in-law that from now on I would have to worry for my safety.

I only saw to it then to get away from the Berghof as quickly as possible without letting it come to an open break, but I was not successful.

On the next evening Goebbels arrived, and there, in my presence, without my starting it, the subject of Vienna was broached. Of course I was compelled to object to the statements which Goebbel made about the Viennese. The Fuehrer started with an incredible and unlimited hatred to speak against the Viennese population.

I have to admit here that even though the Viennese population may curse me today, I have always felt a feeling of friendship for them. I have felt close ties with that population. I will not say more than that Joseph Weinheber was one of my closest friends. On that occasion of that discussion, such as it was my duty and such as it was according to my feelings, I spoke for the people whom I was to lead there.

At 4:00 o'clock in the morning Hitler mentioned one word that I should like to repeat here for historic reasons. He said "Vienn

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should never have been incorporated into the union of the Greater Germany." Hitler never liked Vienna. He hated the Viennese population. I believe that he had an inclination for the city because he liked the architectural design of the Ring Strasse buildings, but everybody who knows Vienna knows that the real Vienna is the Gothic architecture.

Q Defendant, that has little to do with the subject of the Indictment. Please stick to the Indictment.

A I want to conclude this. I only want to say that such a total break resulted from that discussion or rather explosion of Hitler's that during the same night it had become very late, about half past 4:00, and so I took my leave. I actually left the next morning from the Berghof.

After that I had no more conversations with Hitler. I will have to refer to something now which was in connection with it. The Reichsmarshal Goering mentioned a letter here from the witness box which Hitler had shown to him, which was written by me. Herr von Ribbentrop has stated here that he had witnessed a conversation during which Himmler suggested to Hitler that I should be indicted before the People's Court, which means that I should be strung up.

I have to say one thing in that connection. What Goering said about this letter is true on the whole. In that letter I made statements in quite a direct form about family relations. I wrote also one sentence, the sentence that I considered the war against America a misfortune.

Q When was that letter?

A 1943, not long after my stay at the Berghof. That statement did not represent anything extraordinary.

THE PRESIDENT: He hasn't given the date of his stay at the Berghof yet. What was the year?

DR. SAUTER: He has said, Mr. President, 1943. He just said 1943.

THE PRESIDENT: What month in 1943?

BY DR. SAUTER:

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Q I believe that you should give us the month.

A I could not say it precisely, but I believe that the conversation on the Berghof was in the spring, and that that letter was written in the summer.

Q Summer of 1943?

A Yes, but I could not say it precisely. The letter was correct. It was written by hand; no secretary got to read it. It went by courier to the head of State.

Q Hitler personally?

A Yes, to Hitler. It is also possible that it was addressed to the attention of Bormann. I don't remember that precisely, but that is the way courier mail went.

That letter contained nothing else but the necessary clarification in answer to the questions which had been put to me in an interrogatory which Goering has mentioned in his statement. That letter brought about in Hitler's mind an absolute rejection of my person, and at about the same time a file was started in the RSHA, the Reich Security Main Office, against me. That was caused by the fact that I described in a small circle a political leaders the foreign political situation such as I saw it. One of these men was an informer of the SS. He reported it. A file was started. The material was compiled, in order to use it eventually for a trial against me.

That it did not come to it I owe exclusively to the fact that in the Army and at home there were my comrades from the Youth Leadership who agreed completely with me, and any proceedings against me would have brought about difficulties.

After the 20th of July 1944 my situation was extremely serious. My friends in the Army therefore, put a company of hand-picked men at my disposal. It was under the order of the adjutant of the former Colonel General Fromm. That company was immediately subordinate to me. It took care of my protection and remained with me to the end.

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Q. Was that company of the Wehrmacht placed at your disposition instead of the police protection which you had up till then?

A. Yes.

Q. Witness, I have to refer again to your Viennese speech of the 19th of December, 1942. In that speech, you speak about the deportation of tens of thousands of Jews into the Eastern Ghetto. You are now speaking here about t extermination of the Jews. When did you find out that the plan of Hitler pointed to an extermination, or destruction?

A. Counsel, if at that time I had known anything about the destruction extermination of Jews, I would not be sitting here today. For the first time in my recollection, I heard about the extermination of Jews through the follo ing incident.

Dr. Ross came to me.

Q. Who?

A. Dr. Ross, Dr. Colin Ross. He came to Vienna in 1944 and told me tha from foreign newspapers he had information about the fact that mass murder of Jews was committed in the East to a large extent.

Then I attempted to find out whatever I could find out. What I did find out was that in the Warthe Gau, executions of Jews were carried out by gas vans, or shootings.

THE PRESIDENT: Dr. Sauter, what was the Fau that he spoke of? the Wart Gau?

DR. SAUTER: The Warthe Gau, My Lord.

THE WITNESS: The Warthe Gau.

DR. SAUTER: That is a Gua, a district, that is in Poland; W-A-R-T-H-E. That is an area in the East of Germany; it is west of Poland, near Silesia.

BY DR. SAUTER:

Q. Please, witness, will you continue.

A. The executions, or shootings, on Russian territory which were mentio ed in the documents which were submitted in the case Kaltenbrunner, cross examination, were not known to me at that time, and did not become known to m but at a later date -- it was before 1944 -- I also heard about executions by

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shooting in the ghettos in the Russian area, and thought that was in connecti with combat actions, because I thought of revolts in the ghettos. I did not know of an organized destruction such as we have been told about here in this trial.

Q. Then if I heard correctly, you were informed about these things for first time in 1944, by Dr, Colin Ross, your friend, who knew it from foreign newspaper reports?

A. Yes.

Q. Do you still remember the month?

A. I could not say that; at any rate, in 1944.

But I believe I have to explain something else about it. I put the question to myself, What can one do against it? And I ask myself day after day, now, What did I do against it? And I can answer only, Practically nothing; since 1943, politically speaking, I was a dead man. Beyond that whi I had tried in 1943 on the Berghof I could not have done anything.

Q. Nothing?

A. Nothing.

Q. Witness, in that connection, I should like to put an elementary question to you. You testified yesterday how you became an anti-semite in your early youth. You have heard in the meantime the testimony of Hoess, a commander of Auschwitz, who reported to us that in that camp alone, I believe 2,500,000 to 3,000,000 innocent people, primarily Jews, had been executed.

What does the name "Auschwitz" mean to you today?

A. That is the greatest and most devilish mass murder of history. But that murder was not committed by Hoess; Hoess was only the executor. The murder was ordered by Adolf Hitler. That can be seen from his last will.

That last will is genuine. I have seen the photostatic copy of that testament. He and Himmler together committed that crime which of all times i the darkest spot in our history. It is a crime which is shameful to every German.

German youth has no part in it, and no guilt. It was anti-semitic, but it did not want the extermination of Jews; it did not know and did not have a

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idea that Hitler carried out that extermination by daily murders committed on thousands of innocent people.

The youngsters who today are standing in the wreckage of their homes did not know anything about these crimes, and did not want them. They are innocent about that which Hitler has done to the Jewish and the German people.

With regard to the case Hoess, I should like to say the following. I have educated that generation in faith to Hitler and loyalty to him. The youth organization which I built up had his name. I believed that I was serving a Fuehrer, or leader, who would make our people and youth great and happy. Millions of young people believed that, together with me. They saw their national ideal in National Socialism, and died for it.

It was my guilt, which I will have to carry before God and the German nation, that I educated the youth of that people; that I raised that youth for a man whom for many years I considered impeccable as a leader and as a head of state; that I formed a youth for him who saw him just as I did.

It is my guilt that I educated the German youth for a man who committed murders million-fold. I believed in that man. That is all that I can say as an explanation for my attitude. But that guilt is my own, my personal guilt. I had the responsibility for the youth. I carried the authority of command; and so I alone carry the guilt for that youth.

The younger generation is without guilt. It grew up in an anti-semitic state with anti-semitic laws. Youth was bound to keep these laws, and therefore did not see anything criminal in racial politics.

But if on the basis of racial politics and anti-semitism an Auschwitz was possible, then Auschwitz must become the end of racial politics and anti-semitism.

Hitler is dead. I did not commit a Putsch or treason against him; I did not plan any attempt of murder against him. I kept my oath as an officer and a leader of youth and as an official. I was not a blind follower; I was not an opportunist. I was a national-socialist, out of idealism and out of conviction from my early youth, and as such I was an anti-semite.

Hitler's racial policy was a crime. These policies led to disaster for

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5,000,000 Jews and for all Germans. But he who maintains racial politics after Auschwitz becomes guilty.

That is what I want to state, and consider it my duty to state, concerning the case Hoess.

DR. SAUTER: Mr. President, maybe this would be a convenient moment to break off.

THE PRESIDENT: How long is the defendant's examination going to continue, Dr. Sauter?

DR. SAUTER: I believe it will be about an hour.

THE PRESIDENT: I did not hear that.

DR. SAUTER: I believe it will be about one more hour, almost an hour, at least. Did you hear me, Mr. President?

THE PRESIDENT: I hear you now, yes. We have heard you for a very long time.

DR. SAUTER: Yes.

(A recess was taken.)

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DR. SAUTER: Mr. President, after this declaration by the defendant von Schiracht, I wuld gladly have dispensed with all other questions, but special accusationshave been made by the prosecution against this defendant, and I am very much afraid that if I did not ask any more questions, I would be condoning these things. However, I shall try to be as brief as possible.

BY DR. SAUTER:

Q Witness, just before the recess you dipicted the impressions which you had gathered from the proceedings in this courtroom.

Have you ever been in the concentration camp yourself?

A Yes.

Q When, and for what reason?

A As the witness Hoellriegel has testified before this Tribunal. in the year 1942 I was in the concentration camp at Mauthausen. Testimony was given by another witness, Marsalek, according to which this visit allegedly took place in 1944. That testimony is incorrect.

When I was interned in June of 1940, I made statements about this visit, and in my preliminary interrogations I mentioned this visit as well.

Q Before the testimony of Hoe;;riegel?

A Yes.

THE PRESIDENT: The translation came through as 1940. Did he say he was interned in June 1940? Is that correct?

DR. SAUTER:

Q It was in 1945, was it not?

A Yes. In 1945 I was voluntarily interned. Then in 1942 --

Q You can say with exactitude that you visited Mauthausen?

A Yes.

Q What was the reason?

THE PRESIDENT: What does he mean by voluntary internment?

DR. SAUTER: The defendant von Schiracht at that time, under a pseudonym, was living in the Tryol, and in the place where he was living -- well, perhaps the defendant can tell us that himself.

BY DR. SAUTER:

Q Will you tell us that?

A I was at liberty, and, through my adjutant, I sent a letter to the

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Commander of the American Occupation Forces in which I told him that I was surrendering voluntarily so that I would be put before an Allied court. That was in June of 1945. The CIC Officer, who later on ascertained the place where I had lived, told me that I personally could have stayed there for a long time. It is my conviction that I could have remained in hiding even for a period of years.

Q Mr. von Schirach, we will now turn to the visit at Mauthausen. That is the visit which you can fix, under oath, as having taken place in the year 1942?

A I believe that date is correct, the date given by the witness Hoellriegel. I know definitely that the date given by Marsalek is not correct.

Q It was not 1944?

A Probably 1942. And I would like to corroborate the testimony of Hoellriegel. There was a meeting at Linz, in which various departments of the Austrian Administration took part. There were conferences about agrarian and economic problems. Then, late in the afternoon, we went into the concentration camp at Mauthausen, at the request of Gauleiter Eigruber. At that time I was rather surprised that the Gauleiter was even in a position to invite us there. I assumed that he had been in touch with the SS offices about that beforehand. Eigruber had invited us to visit there for this reason. I believe there was a gun factory, or something like that, which he intended to erect there, or, at any rate, it had to do with the completion of the Steier work.

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Q. Tell us about this. What did you see? Who led you?

A. We were led through by the commandant, whose name was Ziehreiss, or something like that, who has been mentioned here. He was an SS Fuehrer and commandant of the camp.

I should like to give you my general impression first. It was a very large place. I asked, immediately, just how many inmates there were, and I was told, I believe, that there were 20,000 or 15,000; at any rate, it was a figure between 15,000 and 20,000 inmates. I asked what kind of inmates were being kept there, and I received the same reply which I got every time I asked questions about concentration camps, namely, that two-thirds of the inmates were criminals who had been transferred from penitentiaries and brough to the camp in order to work there, and that the remaining third was made up of political inmates, traitors against their country, who, during the war, were being punished very heavily.

Q. In this camp did you convince yourself as to the living conditions of the inmates, the food situation, and so forth?

A. I saw food being distributed, and I had the impression that the food ration was a normal and sufficient one.

I visited the quarry, the famous and notorious quarry, from which stones had been taken for centuries to be transported to Vienna. There was no work going on in this quarry because it was after hours. However, I did visit the works there at which work was still being carried on. I saw a building where there was a dental clinic, which was perfectly equipped. I saw this dental clinic, because I was interested in the medical aid which was being given there.

During this visit to the camp I put those question which I had been putting in my visits to the youth camps; that is, medical aid, the number of people there, living facilities, and so forth.

The I was taken to a large room in which the inmates were putting on a symphonic concert. I was told that in the evening, after working hours, it was possible for the inmates to amuse themselves according to their own interests, and in this case those inmates who wanted to have music had gathered together. There was a tenor ther; I remember this case especially.

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Then I asked about the mortality rate. I was taken into a room in which there were three corpses. Whether I saw a crematorium or not, I cannot tell you here now, under oath. Marsalek did testify to that effect. However, I would not be surprised if, in so large an undertaking so far from the city, they would have had a crematorium or a cemetary; that would be taken for granted.

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Q Mr. Schirach, on the occasion of this official visit, under the leadership of the Camp Commandant Ziehreiss, did you find out anything at all about mistreatment or atrocities or torturing which allegedly took place? Please answer the question briefly either with yes or no.

A If that had been the case, I naturally would have undertaken to do something but I had the impression that everything was ingood shape. I looked at inmates, among other things, and I remember seeing Tolzer who was indicted of moral crimes. He had been punished because he had been an educator and had hommitted crimes against his charges. I put the question to Ziehreiss, "How does one ever get out of these concentration camps? Do you liberate people all the time?" Then he had four or five in mates brought to me who, according to his say so, were to be liberated the next day. In my presence, he asked theinmates "have you packed everything and have you prepared everything for your dismissal?" and with beaming countenance they said "yes."

Q Witness, do you recall whether on this occasion you also asked the Commandant Ziehreiss whether from your district and from the City of Vienna, political inmates were present in the camp and did you have a group of political inmates from the City of Vienna brought to you?

A You have already put this question to me in a conversation and under my oath, I can tell you the following: I do not recallthis but it can be taken as a matter of course that on an occasion of this sort, I would ask about the inmates from my Gau, from my district, but I do not recall this. Mr. Marsalek, in his testimony, said this is so and I consider it probable. In connection with this visit, I should like tomention the following: In my recollection, I am a little bit vague about this visit -- why -- because after May of 1945, I heard innumerable radio reports about Mauthausen and everything that I could lay my hands on in the line of written reports about Mauthausen; that is, newspaper articles, and so forth; I read all I could get my hands on and I always pondered the question "Did you see anything at all there which would point to a mass destruction of people?" I was reading the other day about how corpses were being transported. I did not see anything like that and I should like to say further that I visited Dachau and that is a part I do not wish to forget. In the year 1935, together with the entire

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party leadership, I made a visit at Dachau by way of Munich and this visit took place for this reason, since various political leaders had voiced their objections to Hess and these objections and doubts were transmitted to Himmler, and then the visit at Dachau took place. I believe that there were eight hundred or a thousand inmates at Dachau at that time. Idid not take part in the whole official visit for I was carrying on a conversation with some of the Gauleiters who were being shown through. I saw subterranean works at Dachau, which was in excellent shape, and I saw the library barracks because I was especially interested in this, and I saw further that good medical facilities were present. Then -- and I believe it is important for me to say that -- in connection with this inspection of Dachau, I talked with many Gauleiters and Reichsleiters about their impression. All impressions were such that any objections against Himmler's idea of keeping people safe were dispersed. Everyone said that inmates here were in better condition and were being treated better than they were in the state prison and that was my impression of Davhau in 1935 and I must say that since that time, I have been very much at ease and at rest about concentration camps and as a supplement, I believe I shall have to mention the following: Up until the moment of collapse, I believed firmly that we had twenty thousand people at Mauthausen, at Oranienburg and Dachau; there were two further camps which I know according to name and at one of which I visited, there were ten thousand, and at Buchenwald near Weimar, a camp which I did not visit but of whose existence I know, perhaps ten thousand; therefore, I believed we had roughly fifty thousand people in German concentration camps and I believed firmly that two-thirds of these people were habitual criminals and one-third who were political criminals and I arrived at this belief first of all, for I personally did not send any people into concentration camps and I was of the opinion that others were acting thesame way as I was. I could not imagine, shortly after the collapse, when I heard that hundreds of people supposedly were political criminals in Germany; and now I have another thought whichis very important for the complex of concentration cam ps. The poet Hans Caressadeposed an affidavit for me and in this affidavit, one may find a passage about a publisher which I liberated from a

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concentration camp. I should like to mention this for this reason, for here we are concerned with one of the typical cases where one tried to use one's influence to have someone liberated but this man does not tell you afterwards just what he experienced in the concentration camp. In the course of years, I received letters from the population, letters from people whose relatives had been in the concentration camps -- and through my arranging in Vienna for office hours, anyone who wanted to on that day could reach me and I spoke with them personally, to thousands of people. On one of these occasions, one person made a request to me for a friend or relative who was in a concentration camp. In cases like that, it was customary for me to write a letter to the Reichssicherheitshauptamt, to Mr. Heydrich, or Mr. Kaltenbrunner, and then after a period of time, I received the information that this inmate in question had been dismissed or had not been dismissed, depending on the charges against him; but these people themselves never told me just what their treatment in the camp had been. One did not see anyone who had been mistreated in the camps and that is how it was and as far as the actual concentration camp system is concerned, I, myself, and many others in Germany had no actual picture at all.

DR. SAUTER: Mr. President, this affidavit of the poet Hans Carossa, mentioned by the defendant just now, is the document No. 3-A. I repeat, 3-A of the document book Schirach. It is an affidavit by the poet Carossa; and I ask the High Tribunal to take official notice of the entire contents of the document. In the last paragraph,

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the case which the defendant has just mentioned will be found. It deals with the liberation of the Berlin publisher Suhrkamp from a concentration camp.

THE PRESIDENT: Have you got the page of it?

DR. SAUTER: Page 25, document 3-A. The name is Hans Carossa. The remaining content of this document concerns itself with the influence used by von Schirach for people who were persecuted because of political reasons.

BY DR. SAUTER:

Q Witness, about how many concentration camps did you know anything at all?

A I just mentioned that, Oranienburg, Dachau, Buchenwald and Mauthausen.

Q In your Gau, in your district, was there a concentration camp?

A No.

Q In connection with this group of questions; that is, the treatment of Jews, I should like to turn to orders or decrees given by Himmler, in your presence, witness, in March of 1945, which he gave to the commandant of Mauthausen; that is allegedly gave these orders, and the document submitted by the prosecution, PS-3870, is used in this connection. According to this document, Himmler in March 1945 allegedly gave the order that the Jews are to be taken from the Southeast Wall near Vienna, to have them march on foot to Mauthausen. Were you connected with this matter at all?

A From my very exact recollection, I can tell you what Himmler said at that time. Himmler came to Vienna in the middle or the end of March in order to talk with the leader of the Army Group South. On this occasion, the leader of this army group was not in Vienna and on this occasion he asked that the Reichsstatthalter of Austria come to Vienna and gave them authority for marshal law for the time which was to come when Vienna and some of the outlying regions were getting to the point where they would be near the front. In connection with this discussion, Himmler,

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while there was typing going on in the next room, Himmler, while he was giving this authority of marshal law, called Ziehreiss and that was my second meeting with Ziehreiss. Now, Himmler did not, as Marsalek said, tell Ziehreiss that the Jews were to be marched on foot from the Southeast wall to Mauthausen but he said something which surprised me extraordinarily. He said: "I want the Jews which are to be used for labor purposes, to be taken by boat or by bus under the best of conditions; that is, with good food rations and with medical care, and are to be taken to Linz or Mauthausen." I do not recall which he said, and he also mentioned in the presence of Ziehreiss, and told him "Please take good care of these Jews, treat them well; these Jews are the best investment I have."

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From this statement I had the impression first of all, and it is my first impression, that Himmler wanted to deceive me, and then it became clear to me he had foreign political intentions, which he was following during the last moments of the war, and to serve this purpose he was emphasizing excellent treatment of the Jews, and what Marsalek said is not correct. There was no fighting on foot at that time. Then Himmler wanted the best possible treatment to be accorded the Jews. I had that impression, and later on from the things that we heard this was confirmed through the treatment of the Jews, in the last minutes. He wanted to retain that influence.

Q That was the end of March 1945?

A Yes, the end of March, dealing with the fact of giving martial law authority to the city officials.

Q That was prior even to the collapse?

A Yes.

Q So far as the beginning of the activity was concerned, there is an accusation about the Jews, backed by the Prosecution, to the effect that you participated in the persecution of the churches. This accusation is pointed out by the selection of Document R-146. I repeat, R (for Richard) 146, which had been submitted by the prosecution. That this, witness, is a document represented as a piece of writing by the witness, Dr. Lammers, who has been heard in court here, addressed to the Reich Minister for the Interior, dated 14 March 1941, and, after that there is a circular letter involving this document by Bormann, which was addressed to all the Gauleiters under date of 20 March 1941.

Now I should like for you to comment on both of these pieces of writings, especially in reference to the part of the writing by Dr. Lammers. There is some difference in this writing of Dr. Lammers, whereas, in the circular letter of Bormann's, 20 March, was dealing with the confiscation or sequestration of church properties (properties of monasteries, and so forth). What are the antecedent writings, and what row did you thus take?

A The document written by Dr. Lammers is correct. The Bormann letter referred to the church property sequestered for the State, and I should like to mention firstof all that in 1940 when I came to Vienna the confiscation of church property was going on; there was a question between the Gauleiters and the

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Reichs Minister wherein the Reichs Minister of Finance wanted the confiscated property be taken by the Reich, and I considered the fact, and was of the attitude, that this property was to remain in the Gaus. So far as I remember I participated in this question because of the following happenings. Count Schwarzenberg had property which was up in the Upper Danube Region, and the other was together with the Reichs Gau in Vienna. This was going on before my time. He had refused in the presence of the counsel general abroad to enter the army, and for that reason his property had been confiscated in the interest of the Reich. I was interested in maintaining this property for the Reichs Gau of Vienna, andto prevent it s passing over to the Reich. I have no files before me, so I cannot give you any information about the other actions like this. I am not responsible for actions in the other regions of Austria, but I can say one thing, perhaps, that I put a stop to all confiscations throughout the entire Reich. I personally could have stopped that through an interrediary, but none

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turned to me, none from the monasteries. I asked my father-in-law behind the back of Bormann, and at the risk of tremendous political consequences which this thing would have as to Hitler, whether Hitler would give a direct decree for the squashing of this action. This action had already taken place, and Bormann, after this had been put through, turned towards my father-in-law. Then I had no more questions to ask the Fuehrer.

Q Witness, so far as the writing of Dr. Lammers, dated 14 March 1941, is concerned, you did not comment fully and completely on it. I should like to read the first sentence of that document to you in order to refresh your memory. From that Document, R-146, I quote:

"The Reich Governor's and Gauleiter von Schirach, Dr. Jury, and Eigruber complained recently to the Fuehrer that the Reich-Minister of Finance still maintains the point of view that confiscation of property inimical to the People and State should be made in favor of the Reich, and not in favor of the Reich-Gaue."

That was the end of the quotation. Because of this incident the Prosecution had accused you of participating in the persecution of churches in Vienna. I should like you to tell us now just what was your view.

A The persecution of churches in Vienna actually took place under my predecessor Buerckel, and this may be true. Prior to this I mentioned the demonstration against the Palais of the Archbishop. On my arrival in Vienna there was no anti-church action at all. Immediately upon my arrival I told the political functionaries and collaborators, all of them, in words in writing, that they should not do anything which would limit the religious feelings of others. I believe this fact was taken note of by the entire population of Vienna gratefully, and from that day on there was no action at all. Just how much church property was sequestered for purposes of war during Buerckel's presence I could not tell you without any document and record before me.

Q Witness, from this document we can see that because of this matter you spoke with Hitler, wherein it states, "The Reich Governor's and Gauleiter von Schirach, Dr. Jury and Eigruber complained recently to the Fuehrer," about this. That fact you did not tell us about.

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A Yes, I might tell when Hitler was present in Vienna, I told him that I was of the opinion that confiscated property belonged to the Gaus, and not to theReich, and that was the attitude and conviction of mine which I considered absolutely correct.

Q Witness, the indictment shows here that you had connections of some sort to the effect that you were a member of the SS and so forth. Were you ever a member of the SS?

A No.

Q Did Himmler, the leader of the SS, have any influence on these youth organizations, and on the education of the youth?

A No.

Q Did the replacement by the SS, and especially for the SS leadership corps come from the Hitler Youth, and if so, why the replacement?

A Of all Corps in Germany, not the youth. We had a big youth organization. In this connection you mean an agreement which I had with Himmler?

DR. SAUTER: Just a moment. This agreement is set down in the document of the Prosecution as No. PS-2396. I repeat, PS-2396.

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Mr. von Schirach, there is a remark, and I should like to have your comment on that, that the SS received their replacements from the patrolling service of the Hitler Youth, and there was an agreement of October, 1938. Please comment on this. What was this patrolling service?

A The patrolling service was one of the special units of the Hitler Youth which I forgot to mention yesterday. The patrolling service was a special service of the youth, consisting of especially decent boys who had no police mission. I have had some data supplied to me. They had to check the entire demeanor of the youth, their uniforms; they had to supervise the visits of the youth to entertainment places, and they supervised picnicking Jugend-herbergen. They guided tents, and they were used when youths who were missing were being searched for. They were to consult the wandering youth. There were youths at depots. They were to protect youth from criminal elements; and, above all, and this was one of their main tasks, they were to protect forests and meadows, so that no fires would arise, and so forth.

Becausd the activity of one of these units in the Hitler Youth created trouble, I was interested that he and that the police would recognize my patrolling service for, according to my picture of the youth, the police were not to be used against the youth, but the youth was to keep order among themselves by themselves. That this principle was correct is seen by the immense retrospection of youth crimes beginning with 1933 on until the outbreak of the war.

Q Witness --

A Just a minute. I haven't finished yet. And to this agreement --

THE PRESIDENT: Dr. Sauter, we have heard enough about this unit. The whole point of the Prosecution was that they were used for the recruitment of the SS; that is the complaint of the Prosecution.

DR. SAUTER: Yes, the patrolling service --

THE PRESIDENT: We have heard at a considerable length the description of what they did, the description of the youth; surely we have heard enough about that.

DR. SAUTER: Mr. President, the so-called special units were mentioned especially by the Prosecution as a means for the preparation for war; that is, a means of the military training of the youth. And in this connection all of these special units were mentioned; and for that reason we thought it

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important and necessary that the defendant give you information as to what this patrolling service was in reality; but, Mr. President, I can leave this topic.

THE PRESIDENT: You have dealt with this to a considerable length.

DR. SAUTER: Very well.

BY DR. SAUTER:

Q Witness, from which formation did the SS in actuality take its leader replacement; that is, in the main?

A In order to assure its replacements for leaders, the SS directed its own training schools, which were beyond competence, and they were the so-called National Political Training Institute.

Q In connection with the SS, the Prosecution mentioned a further agreement between you and the Reichsfuehrer Himmler. This was an agreement of December, 1938, under the No. 2567-PS -- I repeat 2567-PS -- dealing with the so-called Landdienst (rural service) of the Hitler Youth. Why was this agreement concluded with the Reichsfuehrer SS dealing with the Landdienst Rural Service?

A It is rather hard to give a brief answer. The Reichsfuehrer SS was a gentleman farmer in his student days. He was part of a movement which made him interested in the SS. The SS worked together with the groups that helped the farmers. And, I should like to say in conclusion, the patrolling service and the rural service -- that there was no coercion used on the members of these groups to join the SS. Of course, a lad from the patrolling service could enter the SA or the NSKK or any other group just as anyone else could.

Q Witness, among other things, in the indictment you are accused that there was a decree or an order given to the political leaders that Hitler Youth leaders, that the people who were under your jurisdiction would be taken into their staffs. What can you say to that?

A To that I can say that one of the many attempts on the part of the Party Chancellory to have the Youth Leadership brought into the political leadership -- actually this decree worked out in this way: Some of the youth leaders were used for very insignificant adjutant service. They complained in a very lively manner, and I had them called back.

It is a historical fact that an actual transition of the youth leader-

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ship into the political leadership did not take place in Germany. These youth leaders in Germany who entered the political leadership, I can give you their names. They are that few.

Q Witness, the Soviet Russian Prosecution has submitted a document, USSR 6, which is a Commission report of Lember, and in this report the following is mentioned:

A French woman by the name of Ida Vasseaux, the leader of a French home for the aged at Lember, had testified to the following in writing: I am just reproducing the gist of the article to the effect that children from the ghetto had been given to the Hitler Youth and that these children were being used as live targets for drill practice among the Hitler Youth.

I should like to ask you: As long as you were in the leadership of the Hitler Youth, did you at any time have any reports on excesses of this kind or did you have knowledge of anything similar?

A No. We are dealing with the first and the only accusation in crimes when it comes to the Hitler Youth. Neither in the east nor in the west were there any Hitler Youth commandoes who could have perpetrated crimes like that. I consider this statement, set down in this affidavit, as wrong; and that is all I can say.

Q Witness, your co-defendant Dr. Schacht, in his direct testimony mentioned the fact that at that time it was suggested to Mr. Eden that the SS and the SA and the Hitler Youth should be devoided of their military character if the other powers would disarm. What do you know about proposals or suggestions or negotiations like that?

A I do not know anything of an offer like that as far as the H.J. is concerned. I consider it completely impossible that Mr. Eden should even have received an offer like that as it applies to the H.J., for Hitler, himself, did not consider the H.J. as a military or semi-military organization at all. The disarming of the Hitler Youth could not have taken place in actuality for the only weapon which the Hitler Youth had was a knife, a knife which corresponds to the boy scout knife.

Q Witness, the Prosecution also accuses you that in 1933 you concluded an agreement with the V.D.A., that is an abbreviation for "Verein fuer das Volktum im Ausland "(Society for Germans abroad). Is that correct? And what was your

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intention in concluding this agreement?

A That is correct. As far as the aim and objective of the V.D.A. is concerned, I would rather not mention this. I believe the attorney for Mr. Frick has already touched on that subject; but I would like to refer to this. I should like to mention only that I had the wish, which was conceivable, that the very numerous youths who were members of the V.D.A. should be incorporated into my Hitler Youth and that my second intention was the sending-off of a collaborator into the chairmanship of the V.D.A. to keep up my information about foreign youth abroad.

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Q. The Prosecution also accuses you of having established the so-called Adolf Hitler Schools -- that you founded them and that the training of young fuehrers for the National Socialist state and for the Party allegedly took place in those schools. What can you say to that accusation?

A. I could say a great deal to that accusation, but I shall limit myself to the most necessary remarks.

The Adolf Hitler Schools were founded as school units to function in the Hitler Youth. They were founded through means which Dr.Ley put at my disposal when I told him about my plans for the training which I had in mind. These schools were to train, not only leaders for the party, but for all professions. On graduation, I talked to these boys on various occasions, and I told them that they could choose any profession they wished. I told them that their training in these schools did not carry with it a moral obligation to enter into political life.

From these Adolf Hitler Schools only relatively few political leaders emerged. Many of the boys became officials, doctors and so forth. I can not quote the exact figures from memory, but in the reports which I received and the statements from educators in the Adolf Hitler Schools, they showed their attitude and their opinion about these Adolf Hitler Schools, and I should like to ask that perhaps 50 or 60 of these numerous affidavits which confirm my testimony here be submitted in order to confirm my statements.

Q. Witness, now I should like to turn to another topic. Did you receive a so-called donation or anything like that from Hitler or any other source?

A. No, I did not receive any donation.

Q. Did you receive goods, such as valuable paintings, or any other precious gifts?

A. The only thing that Hitler gave me was a picture on the occasion of my 30th birthday.

Q. His picture with some kind of dedication?

A. Yes.

Q. Then, I have a few brief final questions which deal with the balance of your activity, your activity in Vienna. You have already mentioned in

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connection with the visit by Himmler in Vienna at the end of March 1945 that at that time you received from Himmler the so-called authority for martial law, and if I understand correctly, that was the authority in your capacity as Reich Defense Commissar to establish martial law.

A. Yes, with that I was lord over life and death.

Q. This martial law, as far as I know, produced the death sentence?

A. Yes.

Q. Did you call in this court for Vienna?

A. I appointed the members of this court. A leading jurist was the chairman. I never had this court meet and did not impose one sentence of death. The military court of the military commandant passed, if I remember correctly, four death sentences against four military traitors. My court never met and never imposed a death sentence.

Q. Did you have any connection with the military court?

A. No, the commandant of Vienna was the chairman of that court, and I was the head of my court.

Q. As chairman you had a leading jurist. What was his profession?

A. I believe he was a director of a court. I do not remember exactly. I have forgotten this.

Q. But he was a judge from Vienna?

A. Yes.

Q. Did you in Vienna give an order to have vital installations dynamited or otherwise destroyed? Occurrences like that took place in other districts.

A. No, it is beyond my knowledge -- and I must tell you this -- just how far deterring measures were carried out on the basis of Reich directives by the military. The dynamiting of bridges, for instance, was a military measure. The order for that could not be given by me. Hitler himself reserved the right to dynamite the bridges of the Danube, and the leader of the Army Group South, before the dynamiting of the bridge could be carried out, had to consult by

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telephone with the Fuehrer's headquarters.

Q When did you yourself leave Vienna?

A I left the Gau Vienna after the last troops had been withdrawn from the city and the area of combat had been changed to the region of the Lower Danube.

Q When was that?

A That was -- I am sorry; I do not have the date in my head. It was at the end of the battle for Vienna.

Q And then my last question. You know that from the Reichschancellor and other Reich leadership circles, the order came that a Werewolf movement was to be brought into being to fight the approaching troops. What was your attitude?

A I prohibited any werewolf organization in my gau, but in order not to be misinterpreted, I must say that there was a battalion of the Youth Batallion of the Volkssturm which was fighting with the troops. It had the name of Werewolf, but that wasits name. There was, however, no werewolf unit. I always refused, for youth and adults, to have any kind of combat which was against international law.

DR. SAUTER: Mr. President, I have no further questions.

THE PRESIDENT: Does any other member of the Defendants' Counsel want to ask any questions?

BY DR. THOMA (Counsel for defendant Rosenberg):

Q Witness, what connection to the leadership of the Hitler Youth did Rosenberg have as the Plenipotentiary of the Fuehrer for the Ideological training of the Party?

A I believe that the Chief of the Office for Schools on the average of two or perhaps three times a year had to participate at a meeting in which the leaders of the school system had to participate also. This meeting took place under the chairmanship of Rosenberg. On this occasion, according to what I was told, Rosenberg laid down rather general directives and principles and asked for reports from various sectors.

Q Did Rosenberg choose certain topics to be reported on at these meetings?

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A That I don't know exactly. In these sessions where youth leaders met and where Rosenberg gave a speech once a year, he usually chose topics dealing with education of for the forging of character, or a theme about honor or personality.

Q At these meetings did Rosenberg mention the Jewish and religious problems?

A On those days he did not give any speeches against Jews, and in my memory he did not mention religious themes, at least not in my presence. I heard him usually speak about such topics asI have just enumerated.

Q Did you, witness, read Rosenberg's "Myth of the 20th Century", and if you did, when?

A No, I started to read it, but I did not finish.

Q Did this "Myth of the 20th Century" by Rosenberg make an impression on the youth, or did the other youth leaders have experiences similar to yours?

A The leaders of youth certainly did not read "The Myth of the 20th Century".

THE PRESIDENT: Does any other Defendants' Counsel want to ask questions? Or perhaps we had better adjourn now.

(A recess was taken until 1400 hours.)

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AFTERNOON SESSION

(The hearing reconvened at 1400 hours, 24 May 1946.)

BALDUR VON SCHIRACH--Resumed
DIRECT EXAMINATION--Continued

BY DR. SERVATIUS (Counsel for the defendant Sauckel):

Q Witness, I am speaking for the defendant Sauckel, concerning the directives given by Sauckel. Regarding manpower, you have already stated that you were flooded with such directives. Were these directives also carried out?

A As far as I was informed about it, I can confirm that. I had the impression that the functionaries of the Manpower Administration said that they had to keep strictly to the directives of Sauckel, and that that which wasdemanded in these directives was actually carried out.

Q Did Sauckel himself see to it that these things were carried out?

A Yes. I remember that Sauckel once came to Vienna, I believe in 1943 or 1944 -- 1943, I rather believe -- and that he spoke on that occasion to all his functionaries concerned with manpower and repeated orally everything which he had expressed in his directives. In particular, he expressed himself concerning the foreign workers, demanded just treatment, and I remember that on that occasion he even spoke of equality with domestic workers.

Q I have a few more questions about the political leaders. How were political leaders on the level of the Gau informed? Were there conferences for the Gauleiters with the Fuehrer, especially in connection with the Gau rallies?

A No. At the Gauleiter meetings, the Fuehrer in conversations before larger circles always expressed himself just as he did in his speeches. Real conversations did not exist. He always made speeches. Dates on which Gauleiters could be heard by Hitler did not occur any more after the war started.

Q Couldn't a Gauleiter appraoch Hitler personally and ask for an interview?

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A He could ask for an interview, but he didn't receive it; his request wasn't granted. He received an answer from Bormann, usually by telegram. I have seen that myself very frequently, because I made such requests and it was ordered that one should submit in writing the points about which one wanted to speak, and then one received either an answer or no answer.

Q Witness, a letter has been submitted here, Document 728, signed by Gauleiter Sprenger. You were here when it was submitted and you know the document. I have two questions about it.

Do you know anything about a list which was supposed to be compiled containing the names of those afflicted with heart and lung disease who should be removed from the population?

A No, I know nothing about that.

Q On that, were you supposed to make suggestions to the Fuehrer?

A No.

Q As a matter of form, that document contains an error which has been mentioned here. That is, it says there "Herren Ortsgruppenleiter," and repeated mention is made of the Herren Kreisleiters and Ortsgruppenleiters in the text. I ask you now if that was common usage in the language of the Party?

A No, I have never seen a document within the Party -- with the exception of that one which I consider a fraud -- where the term "Herr" was used.

Q You are therefore of the opinion that that designation proves that the document is false?

A Yes.

DR. SERVATIUS: I have no further questions.

BY DR. STEINBAUER (Counsel for the defendant Seyss-Inquart):

Q Herr von Schirach, your predecessor as Gauleiter was Josef Buerckel. What was the relationship between Buerckel and Seyss-Inquart?

A I can only repeat that which was generally known throughout the Party about that relationship. It was extremely bad, and all of us had the impression that Buerckel, from the very beginning, intended to push

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Seyss-Inquart out.

Q Which one of the two really had the power in his hands?

A Beyond doubt that was Buerckel.

Q Then, in your opinion, and according to your actual experiences which can be seen from the files, who is responsible for the persecution of Jews in Vienna?

A Hitler.

Q All right, you say Hitler, but Hitler was not in Vienna. Who carried out these orders in Vienna?

A These orders were carried out, in my opinion -- and that during the period of Buerckel and Seyss-Inquart -- by the same man who has been mentioned here once before, and who in the meantime has been condemned to death in Vienna, Dr. Brunner.

Q Is it known to you that Seyss-Inquart repeatedly intervened with Buerckel against the severe measures and had difficulties with Buerckel on account of that?

A About that I can't say anything because I don't know it.

Q My client has been accused, by means of a document, of donating tapestry and Gobelins from the former imperial property to Hitler. Do you know anything about that?

A I know the following: In the large collection of Gobelin in Vienna, there were two series of the Battle of Alexander. One series of inferior quality was sent by the Reich Governor Seyss-Inquart to the Reich Chancellory as a loan, and it could be seen there.

Q So that was a loan and not a final donation which would have meant a loss?

H0140 - 0047

A., In the catalogue of the collection, that series was marked as a loan.

Q. Is it known to you that other Gobelins were put at the disposal of the Reich; that is to say, Adolf Hitler, by Seyss-Inquart?

A. No, I know nothing of that.

Q. But maybe you know that somebody else may have taken such Gobelins and tapestries with him?

A. I assume that you are hinting at Buerckel.

Q. Yes.

A. Whether Buerckel took Gobelins with him, I do not know for sure. When I took over my office in Vienna, I found out that Buerckel had taken from the Imperial Depot a number of pieces of furniture, and I believe also some carpets, not for his personal use but for his so-called Vienna House, which he intended to establish in the Gau Sahrpfalz as a sort of club, and that he had taken these things along.

Therefore, I approached the competent office in Berlin -- I do not know whether it was the Reich Finance Ministry or the Reich Ministry of Culture-- and when I was not successful there, I approached Hitler himself. And finally I succeeded in having Buerckel ordered to return these objects to Vienna at once.

Now, I cannot say with certainty whether these objects were in fact returned. I know that he was charged to do so, and I assume that these objects then later were, in fact, returned.

Q. All right. You know from segments which I have read to you as defense counsel that we always hated Goebbels for very serious reasons, and that to be loyal and decent one has to admit that many things became much better, in general, under your office. Therefore, it seems all the more important to me that the most serious charge against you should be clarified. You have been charged with the responsibility as Reich Commissar that it was your fault, or through your guilt, that the most valuable monument of Vienna had been destroyed

My question is now, when on the 2nd of April your deputy Schlaritzer and your National Socialist mayor, Ingeneur Blaschke, were in favor of declaring Vienna an open city when the Red army approached, you were against it and

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issued the order that Vienna had to be defended to the last. Or who did give that order?

A. Neither Blaschke nor Schlaritzer demanded of me that Vienna should be declared an open city.

THE PRESIDENT: Dr. Steinbauer, did I understand that you are appearing for the defendant Seyss-Inquart?

DR. STEINBAUER: Yes, because this is a crime, and according to the theory of conspiracy, that is also pertinent. The charge made against von Schirach concerns these destructions, and it has been clarified who, in fact, gave that order which caused so much damage.

THE PRESIDENT: But you just said that you were not asking the questions in the defense of Seyss-Inquart, but in the defense of von Schirach. I do not think that we really ought to have the defense of von Schirach prolonged by questions by other counsel. We have already had his defense for a considerable time presented by Dr. Sauter.

DR. STEINBAUER: Then I shall not put this question.

BY DR. STEINBAUER:

Q. Is it also know to you, or do you remember, what the attitude of Seyss-Inquart was in clerical questions, or questions of the church, as compared to Buerckel's?

A. It is only known to me that Dr. Seyss-Inquart, generally speaking, was considered a man with ties with the church. That conflicts arose with Buerckel out of that fact is quite clear to me. I cannot speak about details.

THE PRESIDENT: Does the prosecution wish to cross examine?

CROSS EXAMINATION

BY MR. DODD:

Q. Mr Witness, we understood you this morning to make a statement in the

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nature of a confession with respect to, at least, the persecution of the Jews; and while that part of this that you gave was perhaps bravely enough said, I think there is much of it that you neglected to say, perhaps through oversight.

Now, I wish you would tell the Tribunal whether or not it is a fact that your responsibility for young people in Germany under the national socialists was fundamentally concerned with making really good national socialists out of them, in the sense of making them finatical political followers.

A I saw my educational task in the mission to make new good citizens in the national socialite state.

Q And ardent followers and believers in Hitler and his political policies?

A I believe I already said this morning that I educated youth in the following of Hitler. I do not deny that.

Q All right. And while you said to us that you did not have the first responsibility for the educational system, I am sure you would not deny that for all of the other activities with which young people may be concerned, you did have first responsibility?

A For education outside the schools, I assumed full responsibility.

Q And, of course, in the schools the only people who taught these young people were those who were politically reliable in keeping with Hitler's opinions and beliefs and the teachings of national socialism?

A The teachers in German schools were definitely not homogenous. A large part of that teaching body belonged to a generation which had not been educated in the national socialist sense, nor adhered to national socialism. The young teachers passed through national socialist education.

Q In any event, you are not saying certainly that young people under the public educational system of Germany were not at all times under the guidance of those who were politically re-

H0140-0050

liable, certainly after the first year or two of the administration of Hitler and his followers, are you?

A Would you please repeat the question? I did not quite understand.

Q What I am trying to say to you is that there is not any doubt in your mind or in ours that the public school system of Germany was supervised, for the most part, at least, by people who were politically sound in so far as national socialism was concerned.

A That I could not quite confirm. Education and educational administration in Germany were under the supervision of Reichsminister Rust, who -- and that is a fact -- for reasons of ill health was very little concerned with his official duties. In the administration of education, many thousands of older employees were still employed who had been employed a long time before the national socialist state had functioned, and were maintained.

Q I do not care whether they were old or young or how long they had been in office. They all took an oath to Hitler, did they not?

A That is correct; as far as they were employees, they all took the oath of employees.

Q Rosenberg had a very considerable influence on younr people in Germany, did he not?

A That I do not believe. I believe that the influence of my co-defendant Rosenberg on youth is exaggerated and not recognized correctly. Rosenberg suddenly had some influence on many people who were concerned with philosophical problems, and were in a position to understand his writings.

Q You publicly said on one occasion that the way of Rosenberg was the way of the Hitler Youth, did you not?

A That was --

Q (Interposing) Never mind the why's and wherefore's. Did you say it or not?

A That I have said.

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Q When was it?

A That was in Berlin on the occasion of a rally of the youth there. But later I led the youth myself in an entirely different path.

Q We will get around to that a little later. But in any event, on this occasion in Berlin, when you had a large group of your youth leaders present, you were doing your best, at least, to have them understand that the way of Rosenberg was the way that they should follow?

A But those were the same youth leaders who later received different instructions from me.

H0140 - 0052

Q Well. I say that may be so. We will get around to those different instructions, but on this occasionaand at that time, insofar as you were concerned, you wanted them to understand that they were to follow Rosenberg's way, didn't you?

A Yes, but there only was one particular point which was at discussion at that time. That was the question of denominational youth organizations. On this point Rosenberg and I agreed, whereas on many other points we differed. That was the point to which that statement referred.

Q Rosenberg's way certainly wasn't the way of young people remaining faithful to their religious obligations or teachings, was it?

A That I would not like to say.

Q What do you mean? You don't know?

A I want to state clearly that I have never heard from Rosenberg a statement which expressed that young people should become disloyal to their religious convictions.

Q Well, I don't know that he ever said it that way either, but I think you do know perfectly well, as do many other people who were outside of Germay through all of these years, that Rosenberg was a violent opponent of organized religious institutions. You don't deny that, do you?

A Principally, I certainly will not deny that, but I believe that one cannot formulate it like that. Rosenberg has in no way tried to influence youth in the sense that it should leave religious denominations.

Q And later on, actually, aren't you willing to now say that later on, and perhaps at that time, in a secret and indirect sort of way you played Rosenberg's game by arranging youth affairs at hours when church ceremonies were going on?

A I deny on principle that in such a manner I worked against the church. During those years, 1933-34, my main concern was the denominational youth organizations. That I have explained yesterday.

Q I know. You garbled them up, and they all had to join your organization sooner or later. But I am not talking about that now. What I am trying to say--and I think you must agree--is that for a considerable period of time you made it really impossible for young people of certain religious beliefs to attend their church services, because you scheduled

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your youth affairs at which attendance was compulsory.

A No, that is not correct.

Q You say that is not so? Didn't the Catholic Bishops time out of mind publicly object to this very sort of thing, and don't you know it as well as I do?

A I cannot recall that.

Q You do not recall any Catholic clerics objecting to the fact that you were scheduling your youth affairs on Sunday mornings when their clerics were holding services?

A In the course of time, such as I have explained yesterday, various clergyment approached either me or complained in public that their spiritual care was impaired by the activities of the Hitler Youth, and that is why I passed that final regulation, which can be seen in the document which my counsel has submitted to the Court yesterday.

Q Well, I don't think that is altogether an answer, and perhaps I can help your memory by recalling for you that your organization specifically provided that these young people who were attending church on Sunday could not go in uniform. That was a very purposeful thing, wasn't it, because they couldn't get out of church and get to their Youth attendance places at all if they had to go home and change their clothes.

A But in many parochial communities it was prohibited by the church that youths in uniform could go to church.

Q Well, I am not going to argue about it with you. Your answer is that you don't recall any frequent and strong criticism and objection from church men about thisparticular Sunday morning program. Is that the way you want to leave it?

A I do not want to say it like that. There were periods of great tension, periods of serious disputes, such as in youth organizations there is a storm period, and later all these things were regulated.

Q Now, I understood you,also, to say that whatever else you may have done with the young people of Germany during the years over which you had control of them, you certainly did not prepare them militarily in any sense, in any sense ordinarily accepted as being military; is that so?

H0140 - 0054

A That is correct.

Q Well, now, let's see. What was the name of your personal press agent, or consultant, if you prefer that term?

A For the longest period of time my press agent was a Mr. Kaufmann.

Q And you have asked him--as a matter of fact, you do have an interrogatory from him which will be submitted. I assume you know about that, don't you?

A I know that my counsel has applied for it, but I do not know the answers which Kaufmann gave.

Q Well, you know the questions he asked, don't you?

A I don't remember them in detail.

Q Well, perhaps if I remind you of one or two you will remember. You asked him if he ever put out any press releases without your authority. You asked him if he wasn't your personal press consultant. And you asked him if it wasn't true that you personally gave him the directive for what you wanted published in the press, and particularly in the youth press. Do you remember those questions?

A (No response)

Q But you don't know the answers; is that it?

A (No response)

H0140 - 0055

Q Well, do you know that he published in the SS official publication in September of 1942 an article about the young people and the youth of Germany?

A I cannot remember that article.

Q Well, I think that you had better have a look at it. It is Document 3930-PS. That becomes USA 853.

THE PRESIDENT: What number did you say, USA --

MR. DODD: 853, sir.

BY MR. DODD:

A Now, this document which I am showing you is a telegram of course, a teletype message, "Reich Governor in Vienna." You will see at the top it was received by you on the 10th of September 1942, and it sets out the subject for the body of this article for the editorial staff of the "Schwarzes Korps," That was the SS magazine.

Now, you will see from reading it, and in the very first of it, it states that a high ranking officer who had come back to Berlin from Sevastapol said that the youngsters who had been seen some four years ago in short pants marching through German cities singing, "Yes the flag is more than Death," were the 19-year-olds who took that city of Sevastopol.

The article goes on to say that the lads are fulfilling in fighting what they promised in singing; and that the National Socialist Movement had brought up a young generation, filling them with faith and self-denial, and so on. Then the rest of it goes on in substance to say that there were people who objected to your program at the time that you were trying to make these youngsters strong

The clear meaning of it is that you are now claiming credit for having had something to do with making them the good 19-year-old fighters who took Sevastopol; isn't that so? You are claiming credit, I say, in this article for having produced this kind of 19-year-old boys.

A I had no knowledge of this article up to know.

Q Well, you do now. You can talk about it, certainly.

A That is what I just wanted to do. Mr. Kaufmann at that time had just returned from the Eastern Front, and under the impression of that which he had experienced out there he wrote down what we read in this article, which is quite impossible for me to read right now.

H0140 - 0056

Q Well, it isn't very long. Really I read what I think are the most important parts of it insofar as you are concerned.

A That the youth was trained in a military way I believe is not mentioned in one single sentence in that entire article.

Q Oh, I know. I am simply asking if it isn't a fact that you were claiming credit in this article for having had something to do with the fact that these 19-year-old boys were such good fighters in Russia. That is all I am asking you.

A I have already told you that I trained and wanted to train the youth to become good citizens, and that I wanted them to become good patriots.

Q All right.

A And to do their duty also in the field.

Q Well, your answer then is, yes, you were claiming credit for the fact that they were such good fighters. Now, there is no trick in this question. It is merely preliminary, and I want to get on, but I think you might say yes. Incidentlly, this song, "The flag is more than death," was a song that you wrote, wasn't it?

A The "Flag Song of the Youth," which I wrote, had the text, "The flag is more than death." That is true.

Q Now, you have also published a number of other songs for young people in the formative days before the war statrted in a song book.

A A great number of song books were published. I don't know all of them for youth --

Q No, I don't either, but I am asking if it isn't a fact that you did publish song books for young people.

A The Kulturamt, the Cultural Office of the Reich Youth Leadership, as well as the press office, have published such books. Of course I did not look at each individual song which was published there, but in these song books I believe on the whole only such songs were published which were sung by the youth.

Q All right. We have some extracts from one of your song books, and there is only one that I wish to refer to. Do you remember the one "Forward, Forward, Forward," that you wrote, by the way, another one that you wrote. Do you remember that song?

A "Forward, Forward, Forward," is the flag song of the youth.

H0140 - 0057

Q You wrote it?

A Yes.

Q Well, now, certainly that also contains, does it not, highly inciting words and phrases for young people with respect to their military duty?

A The flag song of the youth? I can't find that.

Q Well, words, like this: "We are the future soldiers. Everything which opposes us will fall before our fists. Fuehrer, we belong to you," and so on. Do you remember that?

H0140 - 0058

A. I have not said "we are the future soldiers", such as I hear now in English, but "we are the soldiers of the future".

Q. All right.

A. "The soldiers of the future", "the bearers of the future".

Q. All right, but that is another one of your songs, isn't it?

A. That is a revolutionary song, which emanated from the fighting period; it is not concerned, perhaps with the war between Germany and other powers, but the struggle which we were fighting inside the country in order to carry through our revolution.

Q. All right, we will see. Do you remember the one,"Can you see the Dawn in the East?" Do you remember that song?

A. That is not one of my songs.

Q. It is one of the songs in the Hitler Youth Song Book, is it not?

A. That is an old song of the SA from the years 1923-24.

Q. Well that may be. I am only asking you it it isn't a fact that it was in your official song book for your young people.

A. Yes

Q. It is in that song that you villify the Jews, is it not?

A. That I do not remember any more. I would have to see the song.

Q. Well, I can show it to you, but perhaps if you recall it we can save a little time. Don't you remember that the second stanza says, "For many years the people were enslaved and misguided, traitors and Jews had the upper hand."? Do you remember those words in that song? "People to arms" is the next one.

A. Yes, but I don't know any more whether that was published in a song book of the Youth -- meaning the Hitler Youth.

Q. I can assure you that it was, and if you would like to see it, we have it here.

A. I can assure you that it was, and if you would like to see it, we have it here.

A. It is a very well known song of the SA, which was sung by the youth, and therefore it is also in the song book of the youth.

Q. All right, that is all I wanted to find out. I don't care where it

H0140 - 0059

originated. It is the kind of song you had in your song book for young people.

A. I should like to state one more thing. The song book which I have here was published in 1933.

Q. Yes?

A. I do not believe that the youth organization which I have built up can be judged only according to the year 1933.

Q. I don't suggest that either, but we found it in 1945.

A. Later we published other song books, with quite different songs.

Q. Yes, I am going to get around to those in a minute.

That song book was 3764-PS, 854, USA. It has just been called to my attention that the last phrase in that fourth stanza says: "Germany awake. Death to Jewry. People to arms."

A. One moment please, Where is that?

Q. In the English text, in the fourth stanza. I don't know where it would be; it is on page 19, I am told, of the German text. Have you found it?

A. No.

Q. Well, perhaps it is the wrong document. In any event, we will find it for you. However, you remember the song, do you not? You don't deny that it says "Death to the Jews", and so on, do you, in that song?

A. That is the song that starts with the words, "Can you see the dawn in the East?"

Q. That is right.

A. Yes.

Q. That is all I wanted to know.

A. That song is not contained in this book.

(A book was submitted to the witness.)

Q. We have quite a few of your song books here.

A. Yes, but there is a great difference. This book, where the song is not contained, is an official publication of the Reich Youth Leadership Office. As I have said, we do not find the song there. However, it is in a song book which was published by a music publishing firm, Tonner, in Cologne, and it just has the name, "Songs of the Hitler Youth". However, it is not an official collection of the Reich Youth Leadership. That publishing firm may have published

H0140 - 0060

such books in Germany.

Q. All right, I will accept that, but certainly you won't deny that the book was used, will you? That is all we are trying to establish.

A. That I don't know. I don't know whether that book was used by the Hitler Youth.

Q. Do you know that the one in which it is contained was published by you

(No response)

Well, in any event, I would like to point this out to you. I am not claiming, or trying to suggest to you by questions, that any one of these songs in themselves made young people in Germany move or fight for war; but rather, what I am trying to show is that, as distinguished from the testimony that you gave here yesterday, you were doing somthing more than just giving these boys and girls games to play.

A. It could not be seen from my statements of yesterday that we only played games. Besides such a song, there are numerous others.

Q. Yes, I know, but those are the ones we are concerned with right now. Do you remember the songs, "Unfurl the blood-soaked banners", "Drums sound throughout the land"?

A. These are all songs of the Wandervogel and other youth organizations. They are songs which were sung in the time of the Republic.

Q. Just a minute.

A. They are songs which had nothing definite to do with our period.

Q. Do you think that anybody, in the days of the Republic, was singing Hitler Youth marches?

A. What kind of a song is that? I don't know it.

Q. That is the one, "Drums sound throughout the land". Don't you remember any of these songs, actually?

A. Of course, I know quite a number of these songs. However, the essential songs, or the mass of songs, emanate from the old Zupfgeigen Hansel, and other youth organizations. The youth were always singing songs of the HJ; that goes without saying.

Q. Yes, I don't doubt that they did, but wherever they emanated from, you were using them with these young people. And that one, "Drums sound

H0140 - 0061

throughout the Land", you wrote yourself; isn't that so?

A. "Drums sound throughout the land"? Yes, I believe I have written such a song.

Q. All right; that certainly doesn't have a very ancient origin then, does it?

A. Long before the seizure of power.

Q. You also recall, perhaps, that on one occasion General Fieldmarshal von Blomberg wrote an article for the Hitler Year Book. Do you remember that?

A. No.

Q. Well, it wasn't so very long ago. It was in 1938. I suppose you read the Year Book of your organization for that year at that time, at any rate.

A. That may be assumed, but I cannot remember what Fieldmarshal von Blomberg wrote for it.

A. Well, all right.

THE PRESIDENT: Mr. Dodd, I believe you are passing away from these songs?

MR. DODD: Yes, sir. I was.

THE PRESIDENT: But have you offered in evidence yet 3764-PS?

MR. DODD: Yes, sir; I offered it as 854.

THE PRESIDENT: What was 3763?

MR. DODD: No, I am sorry, 3764 is 854, and 3763 -- I am sorry, it is 855.

THE PRESIDENTL Yes, 855.

BY MR. DODD:

Q. I would like you to look at this document, which is number 3755-PS. I think it is on page 134 of the text that you have, Mr. Witness; and on pages 148 to 150 you will find an article, "Education for War of the German Youth", or rather, it says: "The work 'Education for War of the German Youth', by Dr. Stellrecht, contains a slogan of General Field Marshal von Blomberg, in which the following passage is quoted." And then it goes on to give the quotation. Do you find that? "The fighting spirit is the highest virtue of a soldier." And so on.

Have you found the quotation of Blomberg's? That is what I want to know.

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A. Yes.

Q. Then the article by Stellrecht is also contained there, after the quotation.

A. Yes.

Q. Then you move down a few lines you will see this sentence: "Therefore, it is a strong and unyielding demand which the General Field Marshal already puts to the young body of men marching in the formations of the Hitler Youth", and so on.

In those days, in 1938, Mr. Witness, you were at least thinking in terms of future military service, and so was Field Marshal von Blomberg, with respect to the Hitler Youth. That is the point I am trying to make.

A. We had a State with compulsory military training.

Q. I know.

A. And it goes without saying that as educators we were also concerned with bringing youth to the highest degree of physical capacity in order to make sure that they would be good soldiers.

Q. You weren't doing any more than that? Is that what you want this Court to understand?

A. What we did further in the way of marksmanship training, in cross-country sports, and in the training of special units, I described yesterday.

MR. DODD: That is USA 856, Mr. President.

Q. Yes, I know you told us yesterday that whatever else it might have been, it certainly was not any kind of military training.

That man Stellrecht was associated with you, was he not?

A. Dr. Stellrecht held the office of physical training in the Youth -- meaning the Hitler Youth -- under Reich Sport Leader Schammer-Osten. That office was one of 21 offices within the Youth Leadership.

Q. He was associated with you?

A. Yes.

Q. And you have also used something from him as part of your defense; it is in your document book. Do you know about that?

A. Yes, it is a statement which Dr. Stellrecht made, in which he speaks

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about the education and training for defense, or the physical training of the youth, and where he says that not a single boy in Germany is trained with weapons of war.

Q. I know that, and therefore I want you to look at another statement that he made on another date.

MR. DODD: That is document 1992-PS, Mr. President, and we offer it as USA-439.

Q. Do you remember when he made the speech to the military men in January of 1937 while he was affiliated with your Hitler Youth Organization? Do you know the speech to which I refer?

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A I was not present on the occasion of that speech and I do not consider myself responsible for any statement which he may have made there.

Q Well, that is your statement, but perhaps others feel differently. At any event, I ask you whether or not you were aware of and know about the speech and will you tell us whether you do know about it before you look at it? You do know the speech I am talking about, don't you?

A I cannot remember that I was informed about the fact that he spoke on a national political course of the armed forces but it was possible that I was informed about it.

Q Well, it seems to me you were very anxious to deny responsibility for it before you knew what he said.

A That, I did not want to express. Between Dr. Stellrecht and myself, there arose, especially on account of a certain tendency which he had concerning the defense training, there arose difficulties and differences because I felt that he emphasized his office too strongly among the other offices and further differences arose which finally led to his dismissal from the Reich youth leadership.

Q Well, in any event, he was on your staff when he made this speech and I wish now you would look at page -- well, I have it on page 3 of the English and it is page 169 of the text that you have and it begins at the very bottom of the English page, and the paragraph reads:

"In regard to work with pure military education up to the last detail of training and which, with, on mutual consent includes a foreword and a preface by the Reichsminister of War and the Reich Youth Leader."

And then the next paragraph: "The basic idea of this work is to present to the boy what fits into the particular stage of his development." and so forth. And I want you to come to the sentence that says: "For that reason no boy is given a military weapon, simply because it does not make sense from the point of view of development. But, on the other hand, it makes sense to give him practice guns of smaller caliber. Just as there are military exercises which fit only adult men, there are exercises which are better tackled at the age of a boy."

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And then moving down further in the English text, next to the last paragraph, page 170 of your text, you will find in the next to the last paragraph that your Dr. Stellrecht says, "This is a picture of the goal of great education which starts with the playful training of the boy in theterrain and completes itself in the training in the Armed Forces."

And then moving on again to the fifth page of the English text, and I think it is page 171 of your text, the next to the last paragraph, in talking about the hiking trip, he says that: "....has still another purpose ..... because it is the only way in which the boy can get acquainted with his fatherland for which he will have to fight one day."

Moving on through this article, finally, I want to direct your attention to page six of the English text and page 174 and 175 of your text. In the last paragraph of the English text, you will find this sentence which says: "All training, therefore, culminates in training in shooting. It cannot be emphasized enough and because shooting is a matter of practice, one cannot start too early. In the course of years we want to achieve that a gun feels just as natural in the hands of a German boy as a pen."

Now, move over to the next page, page seven of the English text and page 176 of your text. Your Dr. Stellrecht says more about shooting and how it "meets with the desire of a boy;" and then he goes on to say that ".....there is special training for the new replacement generation in the Airforce, Navy and motorized troops. The training course for this has been established with the competent authorities in the Armed Forces. In addition, there is training communications on a broad basis and, in the country, cavalry training."

And I suppose it is on the next page of your text, but it is the next to the last paragraph of the English text, where I want to call your attention to this sentence, or it is two from thelast paragraph in the English text: "Military education and 'ideological' education belong together." The English text says "philosophical" but I think it is a mistramslation and actually in German it is "ide logical". And you see the sentence that says in the next paragraph: "The education of youth has to take care that the knowledge and the principles, according

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to which the state and the Armed Forces of our time have been organized and which support them, enter so thoroughly into the thoughts of the individual that they never again can be taken away and remain direction-giving principles through life."

And the last paragraph of that speech, Mr. Witness, I wish you would look at because I think you used the term "playful" yesterday, if I am not mistaken, and Dr. Stellrecht, anyway, a little earlier in his speech. Here is what he said to the military men that day. "Gentlemen, you can see for yourself that the tasks of present German youth education have gone far beyond the 'playful'" -- "playful" in quotation marks.

Are you sure, now, that you didn't have any kind of a program for military training in your youth organization?

A I can see from this document, which I should have to read as a whole in order to be able to answer, that Dr. Stellrecht, to say it mildly, considered himself very important there. The importance of Dr. Stellrecht for the education of the youth and the importance of his office within the youth -- meaning Hitler youth -- was definitely not as much as he presnts it here before a course in the armed forces. I have said before already that between him and myself, on account of his exaggerations, particularly because the training in shooting and that which he called "military training" was exaggerated by him, overestimated, and that led to differences which in turn led to his dismissal from the Reich youth leadership. He was one of the many heads of offices and the significance of his activity is not as large as he wants to describe it here with his words. I believe that I have explained yesterday what large number of tasks were given to us and I believe I was able to explain also the proportion of the pre-military training such as direct courses to the other forms of education. It is also clearly expressed in that document that one did not want to parallel military education, which I said yesterday. If he says that every German boy should learn to handle the gun just as well as a pen, then that is a manner of expression with which I cannot identify myself.

Q Well, of course, you have your view of him but I think it is well that we brought it out in view of the fact that you have, yourself, offered

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before this Tribunal, a statement by Stellrecht in your own document. You are aware of that, of course, aren't you? You want, of course, to have us understand Stellrecht is reliable when you quote him but he is not reliable when we quote him; is that it?

A That, I will not say at all. He is a specialist for the training in marksmanship and outdoor sports, and, of course, he took his tasks such as can be understood as the most important in youth training. Probably another man in his place would have considered the present work or cultural work or occupational competition contests as the most important in youth training. Probably another man in his place would have considered the present work or cultural work or occupational competition contests as the most important thing. At any rate, for the education of German youth, not that, was essential which Stellrecht mentioned in a course for soldiers but that what I said before the youth leaders.

Q I just want to remind you that a year after he made this speech, you wrote a preface for his book, didn't you?

A I believe it was the book about Hitler youth in the service for which that preface was written.

Q I say, it was a year after he wrote that speech, which was put in and published in Germany but not only made the speech but was put out in pamphlet form, wasn't it?

A I cannot remember that so precisely.

Q Well, I can tell you if you look at the document that I handed you. I think you will see that. Well, in any event, we will pass along. You told the Tribunal yesterday that the statement in the "Voelkischer Beobachter", attributed to Hitler, on the 21st day of February 1938, was somewhat of a mystery to you; you did not know where he got his figures from. Did you understand what I said, Mr. Witness?

A Yes.

Q And do you know to what I referred in your testimony of yesterday, that quotation from Hitler in the "VoelkischerBeobachter?"

A Yes.

Q What is wrong with those figures?

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A I believe that these figures are exaggerated and I believe that the text which I have, and which in the translated text there are errors, most probably he has received these figures from the office of Dr. Stellrecht; that is what I assume and, however, that which is said about armored troops, in my opinion, he had added himself because of the consequence of some ten thousand youth getting driving lessons, from that one can draw the conclusion they had been trained for the armored force, that is erroneous.

Q Well, you see, he didn't say so. You understand it was your Fuehrer who said so in February, 1938, and what I asked you was that I wish perhaps we can go through it and you can tell the Tribunal where they are in error and to what extent. Hitler said, according to thepress, that your naval Hitler youth comprised 45,000 boys. Would you say that figure was too large and altogether untrue?

A No, that is correct.

Q That is correct?

A That is correct.

Q You said the motor Hitler youth, 60,000 boys. What do you say about that figure?

A That is correct.

Q And he said as part of the campaign to encourage aviation, 55,000 members of the Jungvolk were trained in gliding for group meetings. What do you say about that figure?

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A Glider training and model plane construction, what was the figure again, 50,000?

Q 55,000.

A 55,000, yes, that is correct.

Q That's correct. Then he says, "74,000 of the Hitler Youth are organized in its flying units." What do you say about that figure?

A Yes. You say flying units (Flieger Einheiten); that is groups of flying Hitler youths which, asI will emphasize again, were only concerned with gliding or the building of model planes. They may have been as strong as that.

Q Is the figure correct, 74,000?

A That may be.

Q Well, lastly he says, "15,000 boys passed their gliding test in the year 1937 alone." What do you say about that; is it too big or too little or not true at all?

A No, that may be correct.

Q Well, now, so far you haven't disagreed with Hitler on any of these, have you?

A No.

Q Then, he lastly says, "Today 1,200,000 boys of the Hitler Youth received regular instructions in small bore rifle shooting from 7,000 instructors." What's wrong with that figure, if anything?

A It may be correct -- of course, I have no documents for it -- that we had 7,000 boys who received training for small caliber marksmanship and it is very well known that we carried that out.

Q Actually you haven't disputed any of these figures. They are true, then, to the best of your knowledge, aren't they?

A My objection was against the statement which I retained in my memory in connection with the speech which mentioned the tank force.

Q Well, we don't have it but, if you got it, we'd be glad to see it. But this is the Voelkischer Beobachter speech that was put in by the Prosecuti at the time the case against you was put in; at the time there was nothing about the tanks.

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A I believe the reason is that the translation from the English of that document into the German is incorrect.

Q Well, in any event, we agree that Hitler wasn't very far off on his figures when he made this speech or gave them out?

A No; these figures which you have just mentioned I consider correct.

Q Allright. Now, then, in the Year Book of your Hitler Youth for 1939, Stellrecht, your man who had charge of training, uses the same expression. Do you recall that? "To handle a rifle should be just as natural for everybody as to handle a pen"?

A 1939?

Q Yes.

A May I know the month?

Q Well, it's in the Hitler Year Book -- the Year Book of the Hitler Youth for the year 1939, at page 227. If you'd like to see it, I'll show it to you.

A No, thank you. I don't have to see it. If he hasmentioned it before, then it is quite possible that he will repeat it.

Q Yes. You see, the importance of it to us is that this is two years after he made this speech, one year after you wrote the preface to his book, and I assume after you found him to be -- what did you say -- unreliable

A No, I didn't say that. On the contrary, he was a very reliable man absolutely reliable; but there were differences between us because I did not agree with him in the question of the over-emphasis on pre-military education

Q Well --

A I saw in this marksmanship part of our training and not the essential part; and he put too much in the foreground.

Q All right. But you let him write in the Year Book, and two years after he made the speech, the same kind of a statement, for young people to read, that they should be as handy with a rifle as they were with a pen. Did you make any objection when that book was to press? I assume you must have --

A I did not see the book before it went to press.

Q You didn't proofread it?

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A -- and, therefore, I didn't make any objections.

Q Did you object when you read in the same book and on the same page that the Wehrmacht had presented to your Hitler Youth in 1937, 10,000 K.K. rifles?

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A No, I was very glad about that gift from the armed forces. Since we carried out small caliber marksmanship, I was very grateful for every rifle we received because we always had too few for thatsport training.

Q And were you distressed when you also read in that same Year Book that there was no shortage of shooting ranges. "Since the beginning of organized shooting in autumn, 1936, 10,000 shooting ranges have acquired that green shooting certificate during weekend and special practice and every year this figure increases by some thousands." Do you remember that in your Year Book for 1939?

A I do not remember it. I consider it highly probable, and I assume that you are presenting it correctly; I do not want to dispute that. Switzerland had a much more intensive shooting training of her youth than we had, and many other countries likewise.

Q Yes, I know.

A I do not dispute the training and marksmanship.

Q I hope you're not comparing yourself to Switzerland, either.

A No.

Q This document is 3769-PS, Mr. President; it becomes USA 875. Now, we've heard about this agreement that you and the defendant Keitel drew up in 1939, not very long before the war against Poland started. It was in August of 1939. It's already in evidence, Mr. President, as USA 677. It was the 8th day of August wasn't it -- or 11th day, I'm sorry?

A I don't know the day of that agreement. That agreement had no relation to war. It can be seen from the fact that we only concluded it in August, 1939.

Q You say it had no relation to the war, three weeks before the attack on Poland?

A If that agreement in any way should have any significance for the war, it would have had to be concluded much sooner. The fact that it was concluded as late as August shows that we did not think of war, because it would have been important for us to train youth for the war. Then we had to conclude such an agreement in '37 -- '36.

Q Well, in any event, will you agree to this: That this agreement between you and Keitel certainly was related to your shooting practice and

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related to the army?

A The agreement referred, as much as I recall, to outdoor sport training.

Q Well, then, I had better show it to you and read from it to you, if you have forgotten, in so far as that you don't remember that it had anything to do with your shooting practice.

A I believe that it is expressed plain, and to that extent there exists a relation to the shooting sport; that the cross-country sport in the future would take the same place and have the same extent in the Hitler Youth as the shooting sport marksmanship.

Q I'll tell you waht it says and you can look at it in a minute. It says that you already have 30,000 Hitler leaders trained and high in field service. And in the whole sentence it says, "In the Leader Schools of the Hitler Youth, particularly in the two Reich schools for shooting practice and field exercises, and in the District Leader Schools, 30,000 leaders are being trained in field service"; and that this agreement gives you the possibility of roughly doubling that number.

A Yes.

Q And it goes on to say how you will quarter these people and billet them, and so on.

A Yes.

Q And it does have some relationship to your shooting training program doesn't it?

A I have just explained that even before I saw it.

Q Well, I misunderstood you then. I thought that you said that it didn't have --

A No, no, I explained that. I said that the cross-country sport should have the same extent in the program as the shooting; but, here again, we are not concerned with the training of Youth leaders to become officers. It is not military training, but a training in cross-country sports of youth leaders. After a few weeks -- I believe it took three weeks - they would return again to their units. Over that period of time one cannot train a young boy of sixteen in the military way.

Q Surely you are not asking us to believe that you and Keitel were

entering into an agreement over cross-country sports, are you, in August of 1939? Are you serious about that?

A I am perfectly serious when I say that at that time I did not know about the future war.

Q Well, but you --

A -- about the pending war. I stated yesterday that neither do I believe that Fieldmarshal Keitel ever drafted that agreement; I believe one of his assistants did, together with Dr. Stellrecht. If it would have had any importance for the war, one would have certainly not concluded it in August and published it officially.

Q Well, now, listen. You just look at the first paragraph of this and read what it says the purpose of this agreement is, and perhaps we can put an end to this discussion. "Between the High Command of the Wehrmacht and the Reich Youth Leadership an agreement was made which represents the result of a close cooperation of the Chief of the High Command of the Wehrmacht, General Keitel, and the Youth Leader of the German Reich, von Schirach, and secures the collaboration of the Wehrmacht in the military education of the Hitler Youth."

You don't see anything there about cross-country running, do you, ortraining?

A I should like to give an explanation to that. What you have just quoted is not part of the text of the agreement, but it represents a commentary by the editor of that collection "Das Archiv."

Q Well, I'm not going on, but I'll leave it up to the Tribunal to decide whether that has to do with sports or had any relation to military education.

THE PRESIDENT: I think itis a convenient time to breakoff.

(A recess was taken)

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THE MARSHAL: May it please the Tribunal, the report is made that the defendant Raeder is absent.

BY MR. DODD:

Q Mr. Witness, would you agree that from time to time members of your Hitler Youth sang songs and otherwise conducted themselves in a manner which certainly was hostile to organized religious institutions?

A Perhaps members on occasion singly acted that way, especially in the first years of the National Socialist State. That is a fact which I do not wish to dispute, but I should like to make a short explanation.

In the first years of the movement, I took into my movement millions of young people from the Marxist groups and movement and, of course, it was not possible in the space of two or three or four years' time to institute discipline, but I believe that I am in a position to say that from that first period on, say from 1936 onwards, things of that sort did no longer happen.

Q Well, I thought perhaps we could say, anyway, that in 1935 this sort of thing was going on and perhaps save some time. Would you agree to that? They were singing songs such as, "Pope and rabbi shall yield, we want to be pagans again." Are you familiar with that? Do you know that kind of thing? It came to the attention of the Minister of Justice, or the prosecuting authority in Baden.

A No.

Q Do you know that they sang a song published in the song book "Blut und Ehre", saying, "We want to kill the priest, out with your spear, forward Set the red cock on the cloister roof." You know that old song?

A That is a song which dates back to the Thirty Years' War and a song which all our youth movements sang for many, many years, even before the first world war.

Q You have told me that before. I am trying to cut it down. Will you agree that your people were singing it in 1933, 1934 and 1935, to the extent that when clerics objected they were subjected themselves to the prosecuting authorities for interfering and criticising? That is how important it was.

A I know and I have already said that this song dates back to theThirty

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Years' War. It is an old song. It was sung by young people now and then in the years 1934-1935. I tried, however, to do away with this song, and as to special complaints which came in because of that, that I cannot give you any information about them.

Q I don't think that we have made clear that these songs were put out in a book which you published for the Hitler Youth to sing in those days. Do you agree to that?

A I consider it possible, for this song had been published in all song books for many, many years. It is a song which was contained in the first song book of the Wandervogel movement of 1898.

Q I am not really interested in the history. All I am trying to establish is that in your songbook for your young people, the song was present. It was sung. When the church people complained, they were subjected to the prosecuting authorities for complaining.

A The latter I must dispute.

Q Well, I will have to put this document in.

MR. DODD: It is number 3751-PS. These are extracts from the diary of the prosecuting authorities, the diary of the Minister of Justice. That becomes USA 858.

BY MR. DODD:

Q Now, the very first entry that is shown to you is a note from the diary of the Minister of Justice on the Catholic vicar Wasmer, criminal proceedings against him, and it is a question of whether a penal sentence should be proposed by Rosenberg because of libel. The bishop in his sermon cited a song being sung by young people. I quoted a few words of it a moment ago about "Pope and rabbi shall yield. Out with the Jews," and so on. The Minister of Justice in his diary goes on to say that this Catholic bishop quoted from "the little book of songs published by Baldur von Schirach a verse with the following text:

"'We want to complain to the Lord in heaven
That we want to kill the priest,'"

and so on:

"'Out with your spear.'"

And he further quoted you as saying, "The path of German youth is

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Rosenberg." Now, that is what he got into trouble for doing, and I am asking you -- and all I did ask -- is if you won't admit that people who criticized the use of this kind of stuff by your young people and under your leadership were subjected to possible, and in many cases actual, prosecution? You see, you told the Tribunal yesterday that you never did anything directly to interfere with the church, Catholic or Protestant.

A I should like to make a few remarks about this. In the song quoted here the refrain is "Kyrieleis". That word alone shows it is a very old song.

Q May I interrupt you to say --

A It may possibly be contained in the songbook "Blood and Honor". I, of course, do not know that penal proceedings were taken against the cleric because he reported this.

Q All right.

A That is new to me, and I am hearing it for the first time now.

Q Look at page 192 of that same diary, and you will see where the Archbishop of Paderborn reported the incident of 12 May. In this case he was asking that something be done to stop this sort of thing, and there is a rather nasty little song there about a monk and a nun, and so on, which your young people were singing, and then it goes on to say what happened to the Archbishop when he came out into the square and what the Hitler Youth did and what names they called him, and it says there were seven Hitler Youth leaders from outside present in the city that day and they were in civilian clothing. Do you mean to say you never heard of these things?

A This incident is known to me. I called the competent leader, Vanganke, to account for this entire incident, which upset me greatly, and I shall ask my Counsellor to put questions to a witness, Lauterbacher, who knows about this. There was much excitement in the population at that time, and this is indicated in some of the lines of the song that you quoted. It was caused by some foreign exchange racketeering which some clerics had participated in, and that was the reason why this song of scorn was sung.

I should like to say in conclusion that I did not approve of the actions of these Youth Leaders. Very clearly and unequivocally I disapproved, and those actions belong to some of those incidents, as I have already said,

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which date back to the years when I had to take many, many youths into my organization from other organizations, and they had an entirely different spiritual background.

Q All right, turn to page 228 of that diary, and youwill see where a Chaplain Heinrich Mueller and a town clergyman Franz Ruemmer were under suspicion because they said in a circle of Catholic clergy that a certain song was sung by the Hitler Youth at the Party Rally in 1934:

"We are the happy Hitler Youth
We need no Christian virtues
For our Fuehrer Adolf Hitler
Is always our mediator.

"No parson, no evil man can prevent us
From feeling ourselves to be Hitler children."

Wait until I get through.

A I haven't found the place.

Q It is page 228, a and b. I'm sorry. Maybe you will remember the song anyway if I read it to you. Do you remember the lines that said, "We do not follow Christ but Horst Wessel"?

A This song I am seeing for the first time. I do not know this song.

Q All right; I will not go on reading it. You will notice that in an entry in the diary, the last paragraph, it says:

"The General Prosecuting Authority notes that there is no doubt that the song in question was sung or circulated in the Hitler Youth circles, but he thinks that the statement that the song was sung at the Party Rally, i.e. to a certain extent under the eyes and with the consent of the highest Party officials, can be disproved."

A The third stanza reads:

"I am no Christian, No Catholic,
I go with the SA through thick and thin."

From that we can gather that it is not a song of the Youth. If the young people sang that song, I am very sorry to hear that, but at the Party Rally in 1934 this song certainly was not sung at a Festival of Youth.

Q All right.

A The program was always under my supervision. I myself do not know this song. I have never seen the text. In fact, I know nothing about the

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song.

Q You will notice that the last line says, "Baldur von Schirach, take me with you!"

The only point to all this is that it is certainly a surprise to the Prosecution to hear you say, as Youth Leader, that youdid not know that there was a great difficulty between the churchmen of all the churches of Germany and the Youth organization in Germany, certainly during these years.

A The point that I would like to make clear to the High Tribunal is that in the Youth there was a period of storm and stress and development, and you can judge the organization according to the actions of a few individuals or according to the actions of groups in the same year in which these members were taken into the organization. The result of an educational program can be judged only after years. It would have been possible that a group of youth from a rather Godless organization which was taken into our ranks in 1934 should have composed and sung these songs, but in 1936 they certainly would not have done anything like that any longer.

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Q Well, let's see what you were doing in 1937. You know the publication "Enjoyment, Discipline, Belief"? Do you know that handbook for cultural work in your youth camps?

A I should like to see it, please.

Q I'll show it to you, but I wanted to ask you, first of all: Do you know the publication? Do you know what I am talking about when I refer to it?

A I do not know all of the publications. We had such a wealth of publications that unless I have the book in front of me I cannot give any statement regarding it.

Q All right; I'll take your answer that you don't know this one without seeing it. We'll show it to you. This one, among other things, has the program for a week in one of your camps, a suggested series of programs. Again I'll ask you a question and maybe we can cut this down.

Isn't a fact that in your camps you tried to make Hitler and God more than partners, and particularly tried to direct the religious attitudes of young people to the belief that Hitler was sent to this earth by God and was his divinely appointed in Germany?

Well, just answer that first of all, and then we can look at the program.

A No. A comparison between Hitler and God was never established by me, and I would consider that as blasphemy. Whoever made that comparison, I always considered it blasphemous.

In the many years in which I believed in Hitler, I saw in him a leader sent by God, a leader sent to the people, that is correct. I believe any great man in history -- and I considered Hitler such a man in the past -- can be considered as having been sent by God.

MR. DODD: This is Document 2436-PS, USA-859.

Q I am not going to go all through it with you, but I do want to call your attention to some specific parts.

First of all, on page 64 you have the names of people suggested as mottoes, I guess you would say, for the day. They are all political or military heroes of Germany, I expect, aren't they?

A Arminius, Geiserich, Braunschweig --

Q You don't need to read them all. If they are not, say they aren't, and if they are, say yes. I merely asked you if they were not all military or political heroes of Germany.

A I do not know whether Prince Louis Ferdinand of Prussia can be characterized as a war hero. At the same time, surely, and in the same measure, he was an artist as well as being an officer.

Q All right, I'll pass that and take your answer that they are not.

Let's move on to the Sunday morning celebration on page 70 of your text, near the end of it. I wanted to particularly direct your attention to this in view of what you said about Rosenberg earlier this afternoon:

"If there is nobody to make a short celebration address -- it must be thrilling and good -- one should read from the 'Kampf' or the speeches of the Leader, from Rosenberg's works " -- do you find that?

A Yes, I have found that.

Q Well, do you still say that Rosenberg and his works have nothing to do with your Hitler Youth? You were suggesting that for Sunday morning reading, weren't you?

THE PRESIDENT: Did you say the reference to Rosenberg is on page 70?

MR. DODD: Of the English text? No, sir. It is page 3; page 70 of the German text.

BY MR. DODD:

Q It may be page 71 of your text, Mr. Witness. I had it page 70. You will find it there. Don't you see it?

A Page 71 of the German text. That means one of the numerous handbooks for cultural work. Rosenberg held meetings and some of the educators attended two or three times a year. That a reference is made to some of this does not prove anything, and I believe that you would have to look very, very far before you found this particular passage in the many handbooks for youth.

Q Let me ask you something about this. You find one line in here for the Sunday morning celebration about a churchman, a chaplain, holy scripture, or anything related to religious institutions and tell the Tribunal where it is.

A I assume for certain that there is nothing like that there.

H0140 -0081

H0140-0082

Q That is your program for Sunday morning?

A The Hitler Youth was a national and state organization and there was to be a separation in the religious and state training of youth. A young man who wanted to go to church could go after this morning celebration. This was something that took place at camp. Or before this celebration, if he wished, he could attend mass or attend a Protestant service, and on those Sundays in which there was nothing special planned at the camp -- for this camp lasted only three weeks --- he was completely free to attend church at home with his parents.

Q All right.

THE PRESIDENT: Mr. Dodd, I think it is fair to say that immediately before the words "page 71" there are three lines which might be said to refer to religion.

MR. DODD: Yes, I intend to quote it. I was saving that for a little later. I will be glad to do it now if your Honor prefers to have it.

THE PRESIDENT: No.

BY MR. DODD:

Q I want to call your attention to a historical moral ballad that is suggested for the youth of this camp, on page 89 of your text, or 90, and on page 6 of the English text.

Now, you will note --I am not going to read this whole ballad, but I think you will agree that it ridicules, to put it mildly, the Jews, other political parties in Germany. It refers to "Isidor, Isidor" in the opening lines, and it goes on down, "That's when poor Michel was badly off; he was actually the Jewish slave." In another line, "He gave the gang and the Jew a kick."

And then, your Party youth leaders suggest that now they have a -- what is it-a shadow show, and "The nose of Isidor must be strongly exaggerated; the German Michel is presented in the customary manner; the Communist as a wild barricade fighter; the Social Democrat with a balloon hat; the centrum party man with a Jesuit cap, and the reactionary with a top hat and a monocle."

Did you ever see one of those shows, by the way?

A On page 89? I am unable to findthis text.

Q I probably have given you the wrong page. I have just been told it

H0140 - 0083

is page 154 of your text -- 155, rather.

A Yes.

Q Well, I just wanted to know about this suggested part of the program for these young people of yours.

A As far as this book is concerned, I should like to say something. I wrote the preface, and as far as the context is concerned, I, of course, assume responsibility. I did not read this book in detail beforehand, and I do not wish to dispute that in the camp circus, as we called it, the political caricatures were presented.

Q You know one of your youngsters wrote Streicher a letter telling him thatshe saw this kind of a show. Do you know about that? I am going to show you that letter in a little while, just to show you that it did happen, and that your young peoplewrote to Streicher about it.

And on the last page of the English text, for Sunday the 19th of July -- I think it is page 179 of your text -- the notto for the day is "Our service to Germany is divine service." And that was the slogan you used on other Sundays, and as the Tribunal has pointed out, on page 70 of your text you say that this ceremony for Sunday morning "does not bring any discussions or arguments about confessional points of view, but wants to strengthen life and men through the absolute conviction in the right of God and the ideology of the leader and his party, and strengthen them for the completion of great and small tasks."

Now, in no place whereyou ever made any reference to God did you also forget to mention Hitler or the leaders of the party, did you?

A Will you please indicate the passage that you quoted just now.

Q It is on page 70, right at the bottom of your page 70.

A Yes, it says here:

"It does not bring any discussions or arguments about confessional points of view, but wants to strengthen life and men through the absolute conviction in the right of God and the ideology of the leader and his party, and strengthen them for the completion of great and small tasks."

We do not in that way compare Hitler with God, but I believe in my answer given just a little while ago I did define my attitude.

Q Let's see if you do. In your book "Revolution of Education" on page 148, do you remember this statement: "The flag of the Third Reich" -- we'll begin the whole sentence:

"Service of Germany appears to us more genuine and sincere service of God. The flag of the Third Reich seems to us his flag and the Fuehrer of the people appeared as the savior appointed by him to rescue us from the calamity and peril into which the most pious parties of the defunct German Republic have already plunged us."

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H0140 - 0085

A I should like to see the original of this text, please.

Q All right.

A Here I said: "We consider that we are serving the almighty when with our youthful strength we seek to make Germany united and great once more. We see nothing in the loyalty to our Homeland that could mean a contradiction of his Eternal will.On the contrary, service of Germany appears to us a more genuine and sincere service of God; and the flag of the Third Reich seems to us his flag, and the Fuehrer of the people appears as the Saviour appointed by him to rescue us from the calamity and the peril into which the most pious parties of the defunct German republic have already plunged us." This refers to the "Zentrum" party.

I wrote this, and in this I really do not see anything which would be classified as a deification of the Fuehrer. In service to our country I saw service to the Almighty.

Q All right, if that is your answer -- I see it differently. Let's go on to something else so we can get through. I don't want to neglect to show you, if you care to be shown, that communication to Streicher. It has already been presented to the Tribunal by the British delegation, the British Prosecutor. I think it was read from, but not put in, I am told.

In any event, do you know about that, Mr. Witness? Do you know about the letter that the boys and girls of the Youth Hostel at Grossmoellen wrote to Stricher on April of 1936, and they told him about seeing the Jew:

"Every Sunday night the leader presents a play about the Jews with his hand puppet show,"

I just want to know if you are aware of it.

A I should like to say in this connection that the Youth Hostel mentioned here. Grossmoellen, was not an institution, not a part of the HJ, the Hitler Youth Movement. I believe we are concerned here with a Kindergarten of the NSV or some other organization.

This is one of the typical letters, one of the letters ordered by the publishers of the "Sturmer" in order to use it for recruiting purposes.

Q Just a moment. Didn't you take over every youth Hostel in 1933?

A Yes.

Q Well, what do you mean by saying that in 1936 this National Socialist

youth hostel at Grossmoellen was not a part of the Hitler Youth Organization?

A It says here "Jugend Heimstaette," rather than hostel. I am not familiar with the expression "Heimstaette." That must refer to a home of the NSV or a similar organization. We know only youth homes, Jugen Heim, and hostels.

Q Well, doesn't it strike you as being strangely coincidental that in program for one of your youth camps you suggest a show which portrays a Jewi man with a great nose and ridicules him and teaches children to dislike him laugh at him, and that from a youth camp a youngster writes to Streicher say that she and the boys and girls saw a show?

A That isn't a Youth camp.

Q Well, I accept it if that is your answer.

A I do not wish to dispute that this hand puppet show did take place a that this letter was written, but I believe the connection is pulled in by Hair, so to speak. The connection is very far afield.

Q You think the connection about the ridiculing of the Jews is very f afield and pulled in by the hair.

A No. I dispute that this is an institution of the Hitler Youth. I believe actually we are concerned here with the NSV.

Q Well, maybe the explanation is that all the young people in Germany s one of these shows. But, in any event, I want to take up the last matter on t subject with you.

This morning your counsel examined you about the confiscation of a monas tery, I believe it was in Austria while you were there, Kl sterneuburg. Do y remember?.

A This morning we discussed the Palace of Count Schwarzenberg. That wa a monastery. It was the property of a private citizen.

Q Well, the document that your counsel, Dr. Sauter, referred to was R-1 USA 678. It was a letter from Bormann to all Gauleiters, and it began by sayi valuable church properties had to be seized in Italy and in Austria. It was signed by Bormann. Then also on that document was a letter from Lammers, say that there had been some dispute as to whether the seized church property sh go back to the Reich or should remain in the Gau. You remember that, don't yo Well, now, you seized a monastry down there, didn't you, in 1941, the Kloster euburg? Klosterneuburg, You know what I am referring to. I may mispronounce

H0140 — 0086

H0140 – 0087

H0140 - 0088

Now, turn another page, and you will find a Gestapo report on the monast dated the 23rd of January 1941, addressed to your assistant, Dellbrugge. I wi you would look where it says "Oral order of 23 January 1941." Apparently somebody in your organization, you or your assistants, orally asked the Gestap to get up a report on this monastery the very day that you wrote to Berlin asking that it be considered as a Hitler School.

There are some charges against the inhabitants of that monastery in this Gestapo report, but I ask you to turn over further. You will find where you wrote an order for the taking over of the monastery as an Adolf Hitler Schoo on the 22nd of February 1941. I will show it to you if you like to see it, b that order bears your initials, the original does, pages 15 to 17 of the photostat that you have.

Now, you framed up an excuse to seize that monastery, didn't you, when you really wanted it for a Hitler School, and you didn't have any just grounds fo seizing it. And you got the Gestapo to write a report. Then you never referre to the reason that the Gestapo framed up for you.

A I was chief of these schools. Naturally I placed the greatest stress and value in having this school established in Vienna. The thought which is expressed here is that Klosterneuburg, the monastery, was to be used as an Adolf Hitler School. I considered this thought but briefly, and perhaps mentioned it to Scharizer, but then I completely dropped this idea. This Klosterneuburg never was used as an Adolf Hitler School.

H0140 - 0089

Q No. It never was turned back to the church people, either, was it?

A No. Out of this monastery, because the actual space was not sufficient for the large meetings in Vienna, we wanted an additional large museum which was to be open to the public. We started with this idea. We had many collections at our disposal, and put them there. Beyond that, we needed the strong cellars of this monastery for a place of safe-keeping for the many objects of art which we wanted and had to protect against bombing attacks.

The thought to use this building, therefore, and to make it into an Adolf Hitler school was a thought entertained but briefly. I discussed it with one or more of my collaborators; then, however, I completely dropped this thought, first of all because it would have created very bad will if we had put an Adolf Hitler school into a space which had been church property before, and then also since we needed the monastery for other and more pressing reasons.

I have no other explanations to give.

Q Will you notice the date of that whole transaction and the communication from Bormann? When did you first discover that Bormann was so anti-religious and so anti-church as you told the Tribunal he was?

A Bormann --

Q (Interposing) Just tell us when you found that out.

A I was just about to. His anti-religious attitude was shown most clearly by Bormann in the year 1943; but already beginning in the year 1937 he showed the first signs.

Q And this telegram from him was when ? 1941?

A 1941.

Q Mr. Witness, when did you first start to do business with Himmler?

A I met Hitler --

Q (Interposing) Himmler?

A (Continuing) -- Himmler in 1929. That is the year I met him. In 1929 when I visited the party leadership, at that time he was the propaganda chief of the party, and that was our first meeting.

H0140 - 0090

Q I did not ask that, although when you first met him is of interest. What I really wanted to know was when you and your youth groups started really to do business with him for the first time. And by "business" I mean arrangements such as the recruitment of young men into the Death's Head brigade of the SS.

A I believe that I testified to this matter this morning already. The agreement regarding the patrol service, the date of which I do not recollect at this moment, I believe was one of the first agreements which I concluded with him; and this was not an assurance of reinforcements for the Death's Head Units, but for police units. These were special troops to be at the disposal of the police.

Q How long did you continue to channel or divert young men from your youth organizations to the SS? When was the last time that you remember this program's being effective?

A I did not artificially try to drive people into the SS. But I permitted the SS, just as I permitted the police, to recruit from among my youth.

Q I did not ask you that. I asked you when you would say was the latest date when you were effectively helping, at least, Himmler to get young candidates from the young people of Germany through your Hitler Youth Organization. I do not expect an exact date. Approximately?

A From 1940 on, I tried constantly to have the youth taken into Army units. The SS and the Waffen SS carried on a very active recruitment among my youth which took place until the last days of the war, and I could do nothing to prevent this recruitment.

Q And you knew what use they were being put to in the last days of the war and the mid-days of the war, did you not?

A I did know that all young people who were taken in or who volunteered had to fight.

Q I was talking about something other than fighting. You knew what was going on in the East, and you knew who the guards were in the concentration camps, did you not?

A This morning I testified as to what I knew about these incidents.

H0140-0091

I did not know that young men who volunteered to go into the Waffen SS were used to guard concentrationcamps.

Q You did not know who were the guards there, although you visited two of them yourself?

A Those were ones who did not belong to the Waffen SS.

Q I do not know but what your agreement with Himmler provides specifically for SS Death's Head troops.

A When I concluded that agreement, I didnot know that he had the supervision of concentration camps or that it was being carried on through the Death's Head units. And aside from that, at that time, I saw the concentration camps to be something quite normal, as I testified this morning.

Q You told the Tribunal yesterday that it was in 1944, I think, that you found out about the extermination. And I want to talk to you about that a little bit, and ask you some questions, The first one is, How did you find out? Was it actually through this man Colin Ross?

A I said that I heard about these things through Colin Ross.

Q All right.

A And furthermore, that I put numerous questions to all persons that I could reach, because I wanted to find out something definite about these matters.

Q Really I asked you if, from any other source, did you find out? And you can answer that pretty simply. We know that you found out through Ross. Did you hear from anyone else what you found out?

A I was going to say in repetition of what I said this morning--

THE PRESIDENT: I am sorry; I am not hearing.

THE WITNESS: I tried to have assurance and certainty--

THE PRESIDENT: Would you repeat that? The last thing I have is, he said he put questions to all sorts of persons he could find.

MR. DODD: Yes,sir.

BY MR. DODD:

Q Had you found out, then, from any persons what was going on by way of the exterminations in the East?

A No, To all practical purposes, I could not get any definite knowledge.

H0140 - 0092

Q All right.

A Most of the people did not have any information. They were not well in formed. I received anything that was positive and certain through the Warthe Gau.

Q Now, as a matter of fact, you got regular reports about the extermination of Jews, did you not/

A These---

Q (Interposing) Written reports, I mean.

A These reports, two of which have submitted in this court, were sent to the Reichs Defense Commissar for the attention of the completent official. And usually an expert in the department received the reports. They were transmitted to the inspector of the order police.

I have looked at the text which was submitted in Kaltenbrunner's case, but before then I never saw it.

Q You mean you did not know that it was arriving in your office?

A I have never seen this text before.

Q All right.

A My office was the central office; it was not the office of the Reich Defense Commissar, and the affairs of the Reich Defense Commissar are the affairs handled by the Regierungspraesident. His expert concerned himself with the things coming in and going out every day.

Q You were the Reich Defense Commissar for that district, were you npt?

A Yes.

Q This was an SS report of a highly confidential nature, was it not? You were not just peddling this all over Germany?

A I do not know how many copies of this were sent out.

Q You got the 67th copy?

A And these copies, as I gathered from the original, were not sent to me, but they were sent to an expert, a Mr. Fischer, in this case.

Q And who was Mr. Fischer?

A I said this morning already that this name of Mr. Fischer does not mean anything to me. I assume that he was the special expert for Reich defense matters.

Q

H0140 - 0093

Q Now, I am going to show y u some documents from your own files.

MR. DODD: We ought to have a full translation, Mr. President, because some of this we located too late.

BY MR. DODD:

Q But I think you will readily recognize this original is drawn from your files. And in there you will find -- and I will direct your attention to the page -- something I think will recall to your mind who Dr. Fischer is.

I think it is page 29. You will find the namesof persons to serve on the Reich Defense committee submitted; and you will find the name of Fischer, together with General Stuelpnagel, Major General Gauzia, Dr. Forster -- do you find that? This was your own Reich defense council before which you appeared from time to time, and with whom you met frequently. And I will show you documents on that, if you care to deny it.

H0140 - 0094

A. Just a moment, please. Will you please repeat the page to me?

Q. Page 29; it is a memorandum dated the 28th of September, 1940.

A. I have it now.

Q. Do you find Fischer's name as one of thos suggested to your defense counsel? His is the last name, by the way, and his signature. He is the one that suggested the others to you.

THE PRESIDENT: Mr. Dodd, will you go a little bit more slowly?

MR. DODD: Yes.

A. He is mentioned here as the 20th name, "Regierungsrat Dr. Fischer, Expert for Reich Defense Matters." That means the expert for the Regierungspresident. Then, most probably I saw him at one meeting or the other. I take it that he kept the minutes. However, I have no personal recollection of this gentleman. I must dispute any recollection. I do not identify that name with anyone, but I assume that he was the one who received the mail coming in to the Reich Defense Commissar, and who kept the record.

BY MR. DODD:

Q. All right.

A. He may have served in another capacity. He was of a rather low rank, and because of his junion status, he probably did not carry on any other functions.

Q. On page 31 of that same file you will find another reference to him, and your initials on the paper, at this time. It is the membership list of the Reichs Defense Committee. There are 20 persons on there, and the last name is Fischer's. At the bottom of the page are your initials, apparently approving the list. Do you see that?

A. Yes; I had to initial this list.

Q. And you approved the membership, did you not?

A. I do not wish to calim that if I were confronted with this man I would not recognize him. He seems to have been the official who kept the minutes. However, in this large circle of people who met at meetings of this kind, he did not come to my attention. I was not conscious of him. Only very few meetings of this type of the Reich Defense Council actually did takeplace. This seems

H0140 - 0095

to me the decisive point, that I did not meet him personally, and he did not report personally.

Q. How could you fail to meet him? You met regularly in 1940 with this Reichs Defense Committee. We have some documents here, and I will be glad to show them to you, showing exactly what you said before that Committee.

A. Yes, he probably was the one who kept the minutes of the meetings.

Q. Well surely, then, you saw him on some occasions, certainly, between 1940, the date of these files, and 1942, the date of the SS reports on the exterminations. Apparently he was with you for two years before the first report that we have, which is dated 1942, and he was one of twenty on your Council.

A. I believe I must describe just how this Reichs Defense Committee was made up. This was a circle of the leading commanding generals of the Army and the Luftwaffe. There were several Gauleiters, and also present were the people who are mentioned here, Dr. Putt, the representative of the Fucherueng Staff Werkschaft, of the economic staff, and all the others who are listed here. In this large circle of people, this circle which I greeted on arrival, there was an official who kept the records and the minutes, who was among the many, many officials in my office.

These meetings or sessions, as you have probably determined, took place very infrequently. Dr. Fischer did not report to me all the time, and he did not show me the minutes of these sessions, but the Regierungspresident was the one who reported to me.

Q. Do you think that Heinrich Himmler or Reinhart Heydrich were sending these reports to inferior people around Germany in these Gaus about the exterminations in the East?

A. If these reports had been meant for me, they would have been sent to me directly. At any rate, I said today that I do not dispute having had knowledge of the shooting of Jews in the East, but at a later period of time, and I mentioned it in that connection. However, the reports themselves were not in my hand. If these reports had been before me, they would have had a certain

H0140 - 0096

notation, which I would recognize immediately.

Q. Well, let's see. Of course they are addressed to you, to the attention of Fischer.

I am going to move on a little bit. Now I am going to tell you that you got weekly reports. You haven't seen these. What do you say to that?

A. Weekly reports?

Q. Yes.

A. I received many, many from many different places.

Q. No, I am talking about one kind of report. I am talking about the reports from Heydrich and Himmler.

H0140 - 0097

A I do not know what you mean.

Q Well, you had better take a look. We have 55 of them, for 55 weeks. They are all here, and they run consecutively, and Dr. Fischer is not involved in these. Each one bears the stamp of your office having received it, and the date that it was received.

They tell, by the way -- and you can look at them -- what was happening to the Jews in the East.

A Most probably all of these reports -- for I cannot look all of them over at this time -- emanated from the Chief of the Security Police to the Office of the Reichs Defense Commissar. In the first document I can see that it is not signed or initialed by me; it shows the signature of the Regierungspresident. I did not receive these reports; otherwise my signature or sign would have been be there.

Q Dr. Mell Bruegge was the man who received them, according to the note, and he was your chief assistant. Incidentally, I think we ought to make this clear to the Tribunal, that both of your chief assistants were SS Brigade Fuehrers, were they not?

A I would have mentioned that anyway, that Dr. Mell Bruegge was one of the confidants of Himmler.

Q And he was your chief assistant, that is the point I am making. And your other chief assistant was also an SS Brigade Fuehrer.

A I believe that this assertion proves the opposite of that which you wish to accuse me of.

Q Well, I am going to go on with these weekly reports in a minute, but there is one thing I do want to ask you.

Were you pretty friendly with Heydrich?

A I knew Heydrich, and while he was Reich Protector at Prague he extended an invitation to me as President of the Southeast Company. He invited me, and I did accept. However, I did not have a close, personal contact with Heydrich.

Q Did you think he was a good public servant at the time that he was terrorizing Czechoslovakia?

A I had the impression that Heydrich, as he himself mentioned while he was in Prague, wanted to carry out a policy of accommodation, especially as it

H0140 - 0098

applied to Czech workers. In him I did not see an exponent of a policy of terror. Of course, I have no practical knowledge of the incidents which took place in Czechoslovakia; I only visited there once or twice.

Q You sent a telegram to "Dear Martin Bormann" when Heydrich was assassinated; do you remember that -- the man who was, I understand, not in your good standing in 1942? Do you remember when Heydrich was assassinated by some Czech patriots in Prague?

A Yes.

Q Do you remember what you did when you heard about it?

A No, I don't remember exactly.

Q Perhaps if I read this telegram you will remember it.

"Reichsleiter Bormann; Berlin, Party Chancellery; express, urgent, immediate attention.

"Dear Martin Bormann:

"I request that the following be submitted to the Fuehrer.

"Knowing the Czechoslovak population and its attitude in Vienna as well as in the Protectorate, I would draw your attention to the following.

"The enemy powers and British cliques around Benesch have for a long time felt bitterly regarding the loyalty to be observed generally among the Czechoslovak workers and their contribution to German war economy. They are seeking for a means to play off the Czechoslovak population and the Reich against each other. The attempt of Heydrich was without doubt planned in London. The British arms of the assailant point to parachuted agents. London hopes by this attempt to induce the Reich to take draconian measures for the purpose of creating a resistance movement among Czechoslovak workers. In order to prevent the world thinking that the population of the Protectorate is in opposition to Hitler, these acts must immediately be branded as of British authorship. A sudden and violent air attack on a British cultural town would be the most efficacious, and the world would have to be informed thereof under the headline 'Revenge for Heydrich'. That alone should induce Churchill to desist immediately from plotting the outrages which have begun to occur in Prague. The Reich retaliates for the attack at Prague by a counter-attack. It is proposed to give the following information to the press tomorrow regarding the attempt on Heydrich's

H0140 - 0099

life."

Then you go on to say that it was the work of the British agents and that it originated in Berlin. You sign it, "Heil Hitler, Dein, Schirach."

Do you remember sending that telegram to Bormann?

A I just listened to the English translation. I should like to see the German original, please.

Q Very well.

THE PRESIDENT: Mr. Dodd, you read, I thought, a British "coastal" town, did you not?

MR. DODD: No, "cultural", I meant to say, Mr. President.

THE PRESIDENT: Yes, that is what I have got.

MR. DODD: Yes, it is "cultural".

BY MR. DODD:

Q Incidentally, I call your attention, Mr. Witness, to the word "cultural You have expressed such a great interest in culture.

THE PRESIDENT: Would it be all right to break off now, or do you want to go on?

MR. DODD: I hoped I could finish. I won't be many minutes, but I do have one or two rather important documents that I would like to put to the witness.

Mr. President, if we recess, may I ask that the witness not be talked to by his counsel over night? I think it is only fair, when a witness is under corss-examination, that he not have conversations with his counsel.

H0140-0100

THE WITNESS: I should like to say to this document --

DR. SAUTER: Mr. President, I should like to have this question clarified as to whether as a defense attorney I may talk with my client. Just a little while ago Mr. Dodd questioned the right of my talking with my client and , of course, I acquisced, But, If I am told now that I may not speak with my client until the end of the cross-examination, and if the cross-examination will be continued on Monday, then that would mean that I might not speak with my client tomorrow, and the day after not at all. But, in order to defend him and for his defense, I must have the opportunity to discuss the matters which were brought up here today and to discuss them with my client.

MR DODD: Mr. President, I will withdraw my request. I forgot we were going over until Monday. I do think it is the ordinary rule, but I do think it might present some difficulty for the counsel here.

I want to be fair with the Tribunal. During the recess Dr. Sauter approached the witness stand and I did tell him then that I did not think he should talk with him during the recess while he was under cross-examination.

THE PRESIDENT: Well, it is the British rule, but I think under the circumstances we had better let Dr. Sauter --

MR DODD: I quite agree. I was not thinking we would go beyond tomorrow but I do not want to interfere with his consertaion over the weekend.

(The Tribunal adjourned until 27 May 1946, at 10000 hours.)